

THE
ECCLIESIASTICAL
STATUTES AT LARGE

GREAT BODY OF THE STATUTES

ARRANGED UNDER SEVERAL HEADS

JAMES THOS. LAW, M.A.

OF THE INNER TEMPLE, ESQ.

IN FIVE VOLUMES

VOL. I.

LONDON

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AT THE SIGN OF THE WHITE STAR, IN THE WATERLOO PLACE

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THE
ECCLESIASTICAL
STATUTES AT LARGE,

EXTRACTED FROM THE

GREAT BODY OF THE STATUTE LAW,

AND

ARRANGED UNDER SEPARATE HEADS.

BY

JAMES THOS. LAW, M. A.,

LATE SPECIAL COMMISSARY OF THE DIOCESE OF BATH AND WELLS.

IN FIVE VOLUMES.

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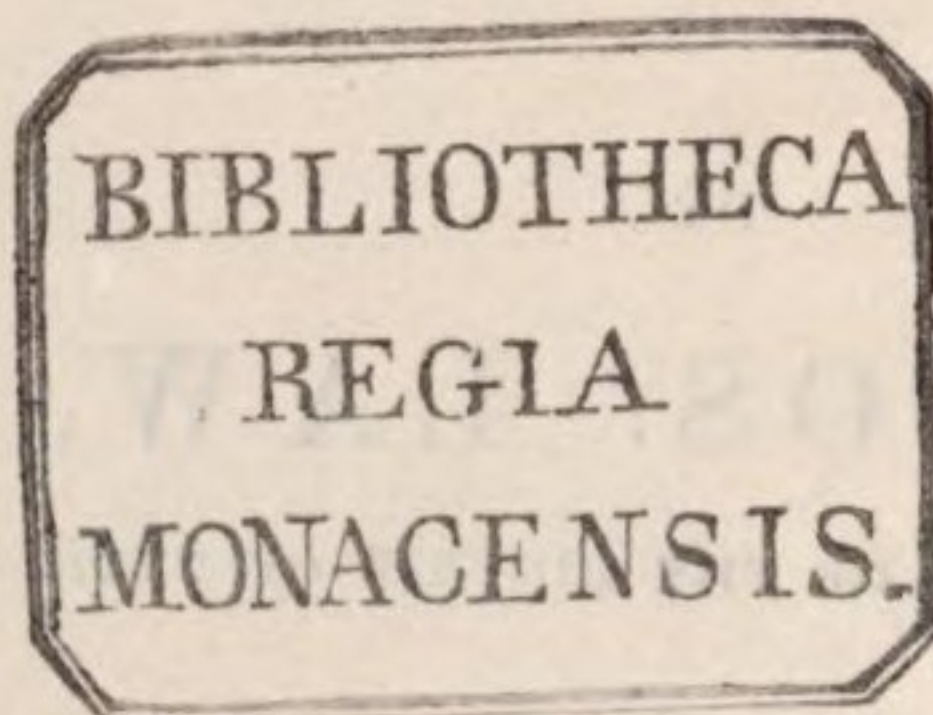
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THE
ECCLESIASTICAL STATUTES AT LARGE.

TITHES, ENGLAND.

13 EDWARD 1, STAT. 4. CIRCUMSPECTE AGATIS.—*Certain cases wherein the king's prohibition doth not lie.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 1.

9 EDWARD 2, STAT. 1, CAP. 1.—*No prohibition shall be granted where tithes be demanded, where money is paid for them.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 m.

9 EDWARD 2, STAT. 1, CAP. 2.—*Debate upon the right of tithes exceeding the fourth part. Enjoining penance corporal or pecuniary.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 m.

9 EDWARD 2, STAT. 1, CAP. 5.—*No prohibition where tithe is demanded of a new mill.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 n.

18 EDWARD 3, STAT. 3, CAP. 7.—*No scire facias shall be awarded against a clerk for tithes.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 517.

45 EDWARD 3, CAP. 3.—*A prohibition shall be granted where a suit shall be commenced in a spiritual court for sylva cædua.*—Item, at the complaint of the said great men and commons, shewing by their petition, that whereas they sell their great wood of the age of twenty years, or of forty years, or of greater age, to merchants to their own profit, or in aid of the king in his wars, parsons and vicars of holy church do implead and draw the said merchants in the spiritual court for the tithes of the said wood, in the name of this word called *sylva cædua*, whereby they cannot sell their woods to the very value, to the great damage of them and of the realm; it is ordained and established, that a prohibition in this case shall be granted, and upon the same an attachment, as it hath been used before this time.

11 Co. 48.
50 Ed. 3, f. 10.
9 H. 6, 56.
Plow. 470.
Cro. El. 1,
477, 736.
2 Inst. 642.
Cro. Jac. 100,
133.

Regist. 44.
Fitz. N. B.
54, b.
Rast. 489.

1 RICHARD 2, CAP. 13.—*Ecclesiastical judges shall not be vexed for suits for tithes in a spiritual court.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 2.

1 RICHARD 2, CAP. 14.—*In an action of goods taken away, the defendant maketh title for tithes due to the church.*—Item it is accorded, that at what time that any person of the holy church be drawn in plea in the secular court for his own tithes taken, by the name of goods taken away, and he which is so drawn in plea maketh an exception, or allegeth, that the substance and suit of the business is only upon tithes due of right and of possession to his church, or to

20 Ed. 4, 3. b.

another his benefice, that in such case the general averment shall not be taken without shewing specially how the same was his lay chattel.

2 HENRY 2, CAP. 3.—*If any do accept a provision granted by the pope to a religious person to be exempt from obedience, he shall be within the danger of the statute of provisors.*—See Title—"PROVISORS," vol. iv. p. 102.

5 HENRY 4, CAP. 11.—*The farmers of aliens shall pay their tithes to the parson of the same parishes.*—Item, it is ordained and established, that the farmers, and all manner of occupiers of the manors, lands, tenements, and other possessions of aliens, shall pay and be bound to pay, all manner of *dismes* thereof due to parsons and vicars of holy church, in whose parishes the same manors, lands, tenements, and possessions be so assessed and due, as the law of holy church required, notwithstanding that the said manors, lands, tenements, or other possessions be seized into the king's hands, or notwithstanding any prohibition made or to be made to the contrary.

7 HENRY 4, CAP. 6.—*The penalty of him which purchaseth a bull to be discharged of tithes.*—See Title—"BULLS FROM ROME," vol. i. p. 353.

27 HENRY 8, CAP. 20.—*For tithes to be paid throughout this realm*—Forasmuch as divers numbers of evil disposed persons inhabited in sundry counties, cities, towns and places of this realm, having no respect to their duties to Almighty God, but against right and good conscience have attempted to subtract and withhold, in some places the whole, and in some places great parts of their tithes and oblations, as well personal as predial, due unto God and holy church; and, pursuing such their detestable enormities and injuries, have attempted in late time past to disobey, contemn and despise the process, laws and decrees of the ecclesiastical courts of this realm, in more temerous and large manner than before this time hath been seen: for reformation of which said injuries, and for unity and peace to be preserved amongst the king's subjects of this realm, our sovereign lord the king being supreme head on earth (under God) of the church of *England*, willing the spiritual rights and duties of that church to be preserved, continued and maintained, hath ordained and enacted by authority of this present parliament, that every of his subjects of this realm of *England*, *Ireland*, *Wales* and *Calais*, and marches of the same, according to the ecclesiastical laws and ordinances of his church of *England*, and after the laudable usages and customs of the parish or other place where he dwelleth or occupieth, shall yield and pay his tithes, offerings and other duties of holy church; and that for such subtractions of any of the said tithes, offerings or other duties, the parson, vicar, curate, or other party in that behalf grieved, may, by due process of the king's ecclesiastical laws of the church of *England*, convent the person or persons so offending before his ordinary, or other competent judge of this realm, having authority to hear and determine the right of tithes, as also to compel the same person or persons offending to do and yield their said duties in that behalf. And in case the ordinary of the diocese or his commissary, or the archdeacon or his official, or any other competent judge aforesaid, for any contempt, contumacy, disobedience

This statute is confirmed and enlarged by 2 & 3 Ed. 6, c. 13.

18 Ed. 3, stat. 3, c. 7.
45 Ed. 3, c. 3.
5 H. 4, c. 11.

Tithes shall be paid according to the custom of the parish where they be due.

The offender in subtracting of tithes shall be convented before the ordinary.

ence, or other misdemeanor of the party defendant, make information and request to any of the king's most honourable council, or to the justices of the peace of the shire where such offender dwelleth, to assist and aid the same ordinary, commissary, archdeacon, official or judge, to order or reform any such person in any cause before rehearsed; that then he of the king's said honourable council, or such two justices of peace, whereof the one to be of the *quorum*, to whom such information or request shall be made, shall have full power and authority, by virtue of this act, to attach or cause to be attached, the person or persons against whom such information or request shall be made, and to commit the same person or persons to ward, there to remain without bail and mainprize, till that he or they shall have found sufficient surety, to be bound by recognizance or otherwise before the king's said councillor, or justice of peace, or any other like councillor, or justice of peace, to the use of our said sovereign lord the king, to give due obedience to the processes, proceedings, decrees and sentences of the ecclesiastical court of this realm, wherein such suit or matter for the premises shall depend or be. And that every of the king's said councillors, or two justices of the peace, whereof the one to be of the *quorum*, as is aforesaid, shall have full power and authority, by virtue of this act, to take, receive, and record recognizances and obligations in any of the causes above written.

The offender shall be bound by two justices of peace, &c. to obey the ordinary's sentence.

II. Provided alway, that this act, or any thing therein contained, shall not extend to any inhabitant of the city of *London*, for or concerning any manner of tithe, offering, or other ecclesiastical duty, grown and due, to be paid or yieldden within the same city, because there is another order made for the payment of tithes and other duties within the same city.

This act shall not extend to the citizens of London.

III. Provided also, that every person and persons, being party or parties to any such suit, shall and may make and have his and their lawful action, demand or prosecution, appeals, prohibitions, and all other their lawful defences and remedies in every such suit, according to the said ecclesiastical laws, and laws and statutes of this realm, in as ample and liberal manner and form as they or any of them might have had, if this act had never been made; any thing in this act above written notwithstanding.

Every person shall have his demand and defence according to the laws ecclesiastical.

IV. Provided always, and be it enacted by authority aforesaid, that this act for recovering of tithes, nor any thing therein contained, shall take force and effect but only until such time as the king's highness, and such other thirty-two persons which his highness shall name and appoint for the making and establishing of such laws as his highness shall affirm and ratify, to be called the ecclesiastical laws of the church of *England*; and after the said laws so ratified and confirmed as is aforesaid, that then the said tithes to be paid to every ecclesiastical person according to such laws, and none otherwise.

Burn, vol. 2, 498.
25 H 8, c. 19, sec. 7.
13 Car. 2, stat. 1, c. 12, s. 5.

32 HENRY 8, CAP. 7.—*For the true payment of tithes and offerings.*—Where divers and many persons inhabiting in sundry counties and places of this realm, and other the king's dominions, not regarding their duties to Almighty God, and to the king our sovereign lord, but in few years past more contemptuously and commonly pre-

This act is confirmed and enlarged by 2 & 3 Ed. 6, c. 13.
18 Ed. 3, stat.

3, c. 7.
45 Ed. 3, c. 3.
5 H. 4, c. 11.

suming to offend and infringe the good and wholesome laws of this realm, and gracious commandments of our said sovereign lord, than in times past hath been seen or known, have not letted to subtract and withdraw the lawful and accustomed tithes of corn, hay, pasturages, and other sort of tithes and oblations commonly due to the owners, proprietaries and possessors of the parsonages, vicarages, and other ecclesiastical places of and within the said realm and dominions, being the more encouraged thereunto, for that divers of the king's subjects, being lay persons, having parsonages, vicarages and tithes to them, and to their heirs, or to them, and to their heirs of their bodies lawfully begotten, or for term of life, or years, cannot by the order and course of the ecclesiastical laws of this realm, sue in any ecclesiastical court for the wrongful withholding and detaining of the said tithes or other duties, nor cannot by the order of the common laws of this realm have any due remedy against any person or persons, their heirs or assigns, that wrongfully detaineth or withholdeth the same; by occasion whereof much controversy, suit, variance and discord is like to insurge and ensue among the king's subjects, to the great detriment, damage and decay of many of them, if convenient and speedy remedy therefore be not had and provided.

2 Inst. 613.

Tithes shall be paid according to the custom of the parish where they be due.

II. Wherefore it is ordained and enacted by our said sovereign lord the king, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all and singular persons of this his said realm, or other his dominions, of what estate, degree or condition soever he or they be, shall fully, truly and effectually divide, set out, yield or pay all and singular tithes and offerings aforesaid, according to the lawful customs and usages of the parishes and places where such tithes or duties shall grow, arise, come or be due; and in case that it shall happen any person or persons, of his or their ungodly or perverse will and mind, to detain and withhold any of the said tithes or offerings, or any part or parcel thereof, then the person or party, being ecclesiastical or lay person, having cause to demand or have the said tithes or offerings, being thereby wronged or grieved, shall and may convent the person or persons so offending before the ordinary, his commissary, or other competent minister, or lawful judge of the place where such wrong shall be done, according to the ecclesiastical laws; and in every such cause or matter of suit, the same ordinary, commissary, or other competent minister or lawful judge, having the parties or their lawful procurators before him or them, shall and may by virtue of this act proceed to the examination, hearing and determination of every such cause or matter ordinarily or summarily, according to the course and process of the said ecclesiastical laws, and thereupon may give sentence accordingly.

Cro. El. 607.
The offender convented before the ordinary.

The appellant shall pay costs of suit to the other party.

Cro. El. 178.

III. And in case that any of the parties, for any cause or matter concerning that suit, do appeal from the sentence, order and definitive judgment of the said ordinary, or other competent judge, as is aforesaid, then the same judge by virtue of this act forthwith upon such appellations made, shall adjudge to the other party the reasonable costs of his suit therein before expended: and shall compel the same party appellant to satisfy and pay the same costs so adjudged by compulsory process, and censures of the said laws ecclesiastical,

taking surety of the other party to whom such costs shall be adjudged and paid, to restore the same costs to the party appellant, if after the principal cause of that suit of appeal shall be adjudged against the same party to whom the same costs shall be yielded; and so every ordinary or other competent judge ecclesiastical, by virtue of this act, shall adjudge costs to the other party upon every appeal to be made in any suit or cause of subtraction or detention of any tithes or offerings, or in any other suit to be made for or concerning the duty of such tithes or offerings.

IV. And further be it enacted by the authority aforesaid, that if any person or persons, after such sentence definitive given against them, obstinately and wilfully refuse for to pay their tithes or duties, or such sums of money so adjudged, wherein they be condemned for the same, that then two justices of the peace for the same shire, whereof one to be of the *quorum*, shall have authority by this act, upon information, certificate or complaint to them made in writing by the said ecclesiastical judge that gave the same sentence, to cause the same party so refusing, to be attached and committed to the next gaol, and there to remain without bail or mainprize till he or they shall have found sufficient sureties to be bound by recognizance or otherwise, before the same justices, to the use of our said sovereign lord the king, to perform the said definitive sentence and judgment.

The offender shall be bound by two justices of peace to obey the ordinary's sentence.

V. Provided always, and be it enacted by the authority aforesaid, that no person or persons shall be sued, or otherwise compelled to yield, give or pay any manner of tithes for any manors, lands, tenements or other hereditaments, which by the laws or statutes of this realm are discharged, or not chargeable with the payment of any such tithes.

Lands discharged of tithes.
Co. pl. f. 454.
2 & 3 Ed. 6.
c. 13, sec. 4.

VI. Provided also, and be it enacted by authority aforesaid, that this act nor any thing therein contained shall in anywise bind the inhabitants of the city of *London*, and suburbs of the same, for to pay their tithes and offerings within the same city and suburbs otherwise than they ought or should have done before the making of this act; any thing in this act contained to the contrary notwithstanding.

The inhabitants of London.
2 Co. 44.
See 37 H. 8,
c. 12, for payment of tithes in London.

VII. And be it further enacted by the authority aforesaid, that in all cases where any person or persons which now have, or which hereafter shall have, any estate of inheritance, freehold, term, right or interest of, in or to any parsonage, vicarage, portion, pension, tithes, oblations or other ecclesiastical or spiritual profit, which now be, or hereafter shall be made temporal, or admitted to be, abide and go to or in temporal hands and lay uses and profits by the law or statutes of this realm, shall hereafter fortune to be disseized, deforced, wronged or otherwise kept or put from their lawful inheritance, estate, seizin, possession, occupation, term, right or interest of, in, or to the same, or of, in, or to any parcel thereof, by any other person or persons claiming or pretending to have interest or title in or to the same; that then in all and every such case or cases, the person or persons so disseized, deforced, or wrongfully kept or put from his or their right or possession as is afore rehearsed, their heirs, wives and such other to whom such injury and wrong shall be done

Recoveries may be had, and conveyances made in temporal courts, of tithes, as of lands.
Dyer 83. pl. 77.
Cro. El. 607, 844.
Co. Lit. 159 a.

11 Co. 25.

Judgments
given, and
fines levied
in the king's
courts, of
tithes, shall
be of like
force as of
lands.

Remedy shall
be had for
tithes and
offerings in
the spiritual
courts, and
not in the
temporal.
Dyer 84. pl.
82.
27 H. 8, c. 20.
2 Co. 43.

In what man-
ner tithes
ought to be
paid.
27 H. 8, c. 20.
32 H. 8, c. 7.
1 Roll. 13, 90,
354.
13 Co. 23, 48.
Savil 131.
Godbolt 211,
pl. 30.
18 Ed. 3, stat.
3, c. 7.
45 Ed. 3, c. 3.
5 H. 4, c. 11.
2 Inst. 648.
March 21.
2 Bulst. 85,
183.
1 Bulst. 108.

or committed, shall and may have their remedy in the king's temporal courts, or other temporal courts, as the case shall require, for the recovery, getting or obtaining of such inheritance, estate, freehold, seizin, possession, term, right or interest, by writs original of *præc' quod reddat*, assize of *novel disseisin*, *mortdanc'*, *quod ei deforciat*, writs of dower, or other writs original, as the case shall require, to be devised and granted in the king's court of chancery, of every such parsonage, vicarage, portion, pension, or other profit called ecclesiastical or spiritual, so to be demanded, according to the nature and cause of the suit thereof, in like manner and form as they should, ought or might have had, of or for lands, tenements or other hereditaments, in such manner to be demanded: and that writs of covenant and other writs for fines to be levied, and all other assurances to be had, made or conveyed, of any such parsonage, vicarage, portion, pension or other profit called ecclesiastical or spiritual as is aforesaid, shall be hereafter devised and granted in the said chancery according as hath been used for fines to be levied, and assurance to be had, made or conveyed, of lands, tenements or other hereditaments: and that all judgments to be given upon any of the said writs original, so to be devised or granted of or for any the premises, or any of them, and all fines to be levied and knowledged in any of the king's said courts thereof, shall be of like force and effect in the law, to all intents and purposes, as judgments given, and fines levied of lands, tenements and hereditaments in the same courts upon writs original therefore duly pursued and prosecuted, albeit no such form of writs original out of the said court of chancery have heretofore proceeded or been awarded.

VIII. Provided always, that this last act shall not extend nor be expounded to give any remedy, cause of action or suit in the courts temporal against any person or persons which shall refuse or deny to set out his or their tithes, or which shall detain, withhold or refuse to pay his tithes or offerings or any parcel thereof; but that in all such cases the person or party, being ecclesiastical or lay person, having their remedy for their said tithes or offerings in every such case in the spiritual courts, according to the ordinance in the first part of this act mentioned, and not otherwise; any thing herein expressed to the contrary thereof notwithstanding.

2 & 3 EDWARD 6, CAP. 13.—*An act for payment of tithes.*—

Where in the parliament holden at *Westminster* the fourth day of *February* in the twenty-seventh year of the reign of the late king of most famous memory, king *Henry* the eighth there was an act made concerning payment of tithes predial and personal: and also in another parliament holden at *Westminster* the twenty-fourth day of *July* in the thirty-second year of the reign of the said late king *Henry* the eighth another act was made concerning the true payment of tithes and offerings; in which several acts many and divers things be omitted and left out, which were convenient and very necessary to be added to the same: in consideration whereof, and to the intent the said tithes may be hereafter truly paid, according to the mind of the makers of the said acts, be it ordained and enacted by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the

authority of the same, that not only the said acts made in the said twenty-seventh and thirty-second years of the reign of the said late king *Henry* the eighth concerning the true payment of tithes, and every article and branch therein contained, shall abide and stand in their full strength and virtue; but also be it further enacted by the authority of this present parliament, that every of the king's subjects shall from henceforth truly and justly, without fraud or guile, divide, set out, yield and pay, all manner of their predial tithes in their proper kind as they rise and happen, in such manner and form as hath been of right yielded and paid within forty years next before the making of this act, or of right or custom ought to have been paid: and that no person shall from henceforth take or carry away any such or like tithes, which have been yielded or paid within the said forty years, or of right ought to have been paid, in the place or places titheable of the same, before he hath justly divided or set forth for the tithe thereof the tenth part of the same, or otherwise agreed for the same tithes with the parson, vicar or other owner, proprietary or farmer of the same tithes; under the pain of forfeiture of treble value of the tithes so taken or carried away.

Every person shall set forth and pay his predial tithes.
2 Inst. 611.
3 Leon. 204.
1 Mod. 50.
Raymond 14.
Hardress 315
1 Vent. 126.
Carth. 361.
Cro. El. 608,
621, 766.
Cro. Car. 513.

II. And be it also enacted by the authority aforesaid, that all times whensoever and as often as the said predial tithes shall be due and at the tithing time of the same, it to be lawful to every party to whom any of the said tithes ought to be paid, or his deputy or servant, to view and see their said tithes to be justly and truly set forth and severed from the nine parts, and the same quietly to take and carry away: and if any person carry away his corn or hay or his other predial tithes, before the tithe thereof be set forth; or willingly withdraw his tithes of the same or of such other things whereof predial tithes ought to be paid; or do stop or let the parson, vicar, proprietor, owner or other their deputies or farmers, to view, take and carry away their tithes as is abovesaid; by reason whereof the said tithe or tenth is lost, impaired or hurt; that then upon due proof thereof made before the spiritual judge or any other judge to whom heretofore he might have made complaint, the party so carrying away, withdrawing, letting or stopping, shall pay the double value of the tenth or tithe so taken, lost, withdrawn or carried away, over and besides the costs, charges and expenses of the suit in the same: the same to be recovered before the ecclesiastical judge according to the king's ecclesiastical laws.

The penalty for carrying of corn or hay before tithe be set forth, or for letting the parson to carry it.
Co. pl. f. 161.
2 Bulst. 228,
285.
3 Bulstr. 278.
Godbolt 245,
pl. 342.
Moor 528.
Hob. 218.
Cro. Jac. 57,
68, 70, 318.
2 Roll. 54.
Hetley 123.
March 57.

III. And be it further enacted by the authority aforesaid, that all and every person which hath or shall have any beasts or other cattle titheable, going, feeding or depasturing in any waste or common ground, whereof the parish is not certainly known, shall pay their tithes for the increase of the said cattle so going in the said waste or common, to the parson, vicar, proprietor, portionary, owner or other their farmers or deputies of the parish, hamlet, town, or other place, where the owner of the said cattle inhabiteth or dwelleth.

Tithe of cattle feeding in a waste where the parish is not known.

IV. Provided always, and be it enacted by the authority aforesaid, that no person shall be sued or otherwise compelled to yield, give or pay any manner of tithes for any manors, lands, tenements or hereditaments, which by the laws and statutes of this realm or by any privilege or prescription, are not chargeable with the payment of any

Lands discharged of tithe by prescription or composition.
2 Co. 44.
13 Co. 42.
Co. pl. 452,

454, 457.
2 Roll 479.

The tithe of
barren heath
or waste
ground.
Dyer 170.
Cro. El. 475.
Moor 909.
Cro. Car. 208.

such tithes, or that be discharged by any composition real. 32 H. 8, cap. 7, sec. 5.

V. Provided always, and be it enacted, by the authority aforesaid, that all such barren heath or waste ground, other than such as be discharged for the payment of tithes by act of parliament, which before this time have lain barren and paid no tithes by reason of the same barrenness, and now be or hereafter shall be improved and converted into arable ground or meadow, shall from henceforth, after the end and term of seven years next after such improvement fully ended and determined, pay tithe for the corn and hay growing upon the same; any thing in this act to the contrary in any wise notwithstanding.

VI. Provided always, and be it enacted by the authority aforesaid, that if any such barren, waste or heath ground, hath before this time been charged with the payment of any tithes, and that the same be hereafter improved or converted into arable ground or meadow; that then the owner or owners thereof shall, during seven years next following from and after the same improvement, pay such kind of tithe as was paid for the same before the said improvement; any thing in this act to the contrary in any wise notwithstanding.

Who shall
pay their
personal
tithes.

VII. And be it also further enacted by the authority aforesaid, that every person exercising merchandises, bargaining and selling, clothing, handicraft or other art or faculty, being such kind of persons, and in such places, as heretofore within these forty years have accustomedly used to pay such personal tithes, or of right ought to pay (other than such as been common day labourers) shall yearly at or before the feast of *Easter* pay for his personal tithes the tenth part of his clear gains, his charges and expenses, according to his estate, condition or degree, to be therein abated, allowed and deducted.

Handicrafts
men having
used to pay
tithes.

VIII. Provided always, and be it enacted, that in all such places where handicrafts men have used to pay their tithes within these forty years, the same custom of payment of tithes to be observed and to continue; any thing in this act to the contrary notwithstanding.

The ordinary
may examine
him that re-
fuseth to pay
his tithes.

IX. And be it also enacted by the authority aforesaid, that if any person refuse to pay his personal tithes in form aforesaid, that then it shall be lawful to the ordinary of the same diocese where the party that so ought to pay the said tithes is dwelling, to call the same party before him, and by his discretion to examine him by all lawful and reasonable means, other than by the parties own corporal oath, concerning the true payment of the said personal tithes.

Payment of
offerings.

X. Provided always, and be it enacted, by the authority aforesaid, that all and every person and persons which by the laws or customs of this realm ought to make or pay their offerings, shall yearly from henceforth well and truly content and pay his or their offerings to the parson, vicar, proprietor or their deputies or farmers of the parish or parishes where it shall fortune or happen him or them to dwell or abide; and that at such four offering days, as at any time heretofore within the space of four years last past hath been used and accustomed for the payment of the same, and in default thereof to pay for their said offerings at *Easter* then next following.

Tithe of fish.

XI. Provided also, and be it enacted by the authority aforesaid, that this act, or any thing therein contained, shall not extend to any

parish which stands upon and towards the sea coasts, the commodities and occupying whereof consisteth chiefly in fishing, and have by reason thereof used to satisfy their tithes by fish; but that all and every such parish and parishes shall hereafter pay their tithes according to the laudable customs, as they have heretofore of ancient time within these forty years used and accustomed, and shall pay their offerings as is aforesaid.

XII. Provided always, and be it enacted by the authority aforesaid, that this act, or any thing therein contained, shall not extend in anywise to the inhabitants of the city of *London* and *Canterbury*, and the suburbs of the same, nor to any other town or place that hath used to pay their tithes by their houses, otherwise than they ought or should have done before the making of this act: any thing contained in this act to the contrary in anywise notwithstanding.

Payment
of tithes by
houses.
Latch 89.

XIII. And be it further enacted by authority aforesaid, that if any person do subtract or withdraw any manner of tithes, obventions, profits, commodities or other duties before mentioned, or any part of them, contrary to the true meaning of this act, or of any other act heretofore made, that then the party so subtracting or withdrawing the same, may or shall be convented and sued in the king's ecclesiastical court, by the party from whom the same shall be subtracted or withdrawn, to the intent the king's judge ecclesiastical shall and may then and there hear and determine the same according to the king's ecclesiastical laws: and that it shall not be lawful unto the parson, vicar, proprietor, owner or other their farmers or deputies, contrary to this act, to convent or sue such withholder of tithes, obventions and other duties aforesaid, before any other judge than ecclesiastical. And if any archbishop, bishop, chancellor, or other judge ecclesiastical, give any sentence in the foresaid causes of tithes, obventions, profits, emoluments and other duties aforesaid, or in any of them, (and no appeal nor prohibition hanging) and the party condemned do not obey the said sentence, that then it shall be lawful to every such judge ecclesiastical to excommunicate the said party so as afore condemned and disobeying; in the which sentence of excommunication, if the said party excommunicate wilfully stand and endure still excommunicate by the space of forty days next after, upon denunciation and publication thereof in the parish church, or the place or parish where the party so excommunicate is dwelling or most abiding, the said judge ecclesiastical may then at his pleasure signify to the king in his court of chancery, of the state and condition of the said party so excommunicate, and thereupon to require process *De excommunicato capiendo* to be awarded against every such person as hath been so excommunicate.

Suits for
withholding
of tithes
shall be in
the ecclesi-
astical court.
1 Bulstr. 67.

Excommuni-
cation of the
party con-
demned.

XIV. Be it further enacted by the authority aforesaid, that if any party at any time hereafter, for any matter or cause before rehearsed, limited or appointed by this act, to be sued or determined in the king's ecclesiastical court, or before the ecclesiastical judge, do sue for any prohibition in any of the king's courts where prohibitions before this time have been used to be granted, that then in every such case the same party, before any prohibition shall be granted to him or them, shall bring and deliver to the hands of some of the justices or judges of the same court where such party demandeth the

A copy of the
libel shall be
delivered to
the judges
before a pro-
hibition
granted.
1 Leon. 286.
2 Leon. 212.

Dyer 242.
Cro. El. 736.
Cro. Car. 208.
A consulta-
tion granted
for default of
proving a
suggestion.
Carthew 463.
Hetley 147.
1 Roll 55.
2 Roll 125.
Moor 573,
pl. 788.

Of what
things a
judge eccle-
siastical
shall not
hold plea.
13 Ed. 1, st. 1,
c. 5.
9 Ed. 2, st. 1,
c. 1, 2, 5.
1 Ed. 3, st. 2,
c. 11.
13 Ed. 3, st. 3,
c. 7.
45 Ed. 3, c. 3.
2 Inst. 663.

No tithe of
marriage
goods shall
be paid in
Wales, &c.

prohibition, the very true copy of the libel depending in the ecclesiastical court, concerning the matter wherefore the party demandeth the prohibition, subscribed or marked with the hand of the same party; and under the copy of the said libel shall be written the suggestion wherefore the party so demandeth the said prohibition: and in case the said suggestion, by two honest and sufficient witnesses at the least, be not proved true in the court where the said prohibition shall be so granted, within six months next following after the said prohibition shall be so granted and awarded, that then the party that is letted or hindered of his or their suit in the ecclesiastical court by such prohibition, shall upon his or their request and suit, without delay, have a consultation granted in the same case in the court where the said prohibition was granted; and shall also recover double costs and damages against the party that so pursued the said prohibition, the said costs and damages to be assigned or assessed by the court where the said consultation shall be so granted; for which costs and damages the party to whom they shall be awarded may have an action of debt by bill, plaint or information in any of the king's courts of record, wherein the defendant shall not wage his or their law, nor have any essoin or protection allowed or admitted.

XV. Provided always, and be it enacted by the authority aforesaid, that this act, or any thing therein contained, shall not extend to give any minister or judge ecclesiastical any jurisdiction to hold plea of any matter, cause or thing, being contrary or repugnant to or against the effect, intent or meaning of the statute of *Westminster* second, the fifth chapter the statutes of *articuli cleri*, *circumspecte agatis*, *silva cædua*, the treatise *de regia prohibitione*, nor against the statute of *anno primo Edwardi tertii*, the tenth chapter, or any of them nor yet hold plea in any matter whereof the king's court of right ought to have jurisdiction; any thing herein contained to the contrary in anywise notwithstanding.

XVI. Provided nevertheless, where heretofore such a custom hath been in many parts of *Wales*, that of such chattel and other goods as hath been given with the marriage of any person, their tithes have been exacted and levied by the parsons and curates in those parts: which custom being dissonant from any part of this realm, as it seemed when the said country of *Wales* was through civil dissension uncultured, for want of other sufficient profits that might otherwise grow to the curates and ministers there, to have been for that time tolerable: so now the country being well manured and husbanded, and the tithe is duly paid there of corn, hay, wool and cheese, and of other increase of all manner of cattle, as it is commonly in all other parts of this realm, the same custom seems to be grievous and unreasonable, specially where the benefices are else sufficient for the finding of the said ministers and curates: that it be therefore enacted by the authority aforesaid, that from and after the first day of *May* next coming no such tithes of marriage goods be exacted or required of any person within the said dominion of *Wales*, or marches of the same; any thing in this act contained, or any other act, custom or prescription had or made to the contrary hereof notwithstanding. Cok. Lit. 159. a.

3 WILLIAM & MARY, CAP. 3.—*An act for the better ascertaining the tithes of hemp and flax.*—Four shillings per acre to be paid for tithe of flax or hemp, to be recovered as other tithes. This duty enlarged to 5s. by 11 & 12 W. 3, c. 16. Land discharged by modus saved. To continue for seven years. EXP.

7 & 8 WILLIAM 3, CAP. 6.—*An act for the more easy recovery of small tithes.*—For the more easy and effectual recovery of small tithes, and the value of them, where the same shall be unduly subtracted and detained; where the same do not amount to above the yearly value of forty shillings from any one person; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons shall henceforth well and truly set out and pay all and singular the tithes, commonly called *small tithes*, and compositions and agreements for the same, with all offerings, oblations and obventions, to the several rectors, vicars, and other persons, to whom they are or shall be due, in their several parishes within this kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, according to the rights, customs, and prescriptions commonly used within the said parishes respectively; and if any person or persons shall hereafter subtract or withdraw, or any ways fail in the true payment of such small tithes, offerings, oblations, obventions, or compositions as aforesaid, by the space of twenty days at most after demand thereof, then it shall and may be lawful for the person or persons, to whom the same shall be due, to make his or their complaint in writing unto two or more of his majesty's justices of the peace within that county, riding, city, town corporate, place or division where the same shall grow due; neither of which justices of peace is to be patron of the church or chapel whence the said tithes do or shall arise, nor any ways interested in such tithes, offerings, oblations, obventions or compositions aforesaid.

Continued further for seven years by 10 & 11 W. 3, c. 15, and perpetuated by 3 & 4 Anne, c. 18, s. 1.

Vin. v. 8, 564. Burn, v. 2, 498.

Small tithes not paid in twenty days after demand lawful to complain to two justices, not interested.

II. And be it further enacted by the authority aforesaid, that if hereafter any suit or complaint shall be brought to two or more justices of the peace as aforesaid, concerning small tithes, offerings, oblations, obventions or compositions as aforesaid, the said justices are hereby authorized and required to summon in writing under their hands and seals, by reasonable warning, every such person or persons against whom any complaint shall be made as aforesaid; and after his or their appearance, or upon default of their appearance, the said warning or summons being proved before them upon oath, the said justices of peace, or any two or more of them, shall proceed to hear and determine the said complaint, and upon the proofs, evidences and testimonies, produced before them, shall, in writing under their hands and seals, adjudge the case, and give such reasonable allowance and compensation for such tithes, oblations and compositions so subtracted or withheld, as they shall judge to be just and reasonable, and also such costs and charges, not exceeding ten shillings, as upon the merits of the cause shall appear just.

18 Ed. 3, st. 3 c. 7.
45 Ed. 3, c. 3.
5 H. 4, c. 11.

who may summon the persons complained of, and on default of appearance determine the complaint, and give allowance, with costs not exceeding ten shillings.

III. And be it further enacted, that if any person or persons shall refuse or neglect, by the space of ten days after notice giving, to pay

On refusal to pay in ten days after

notice, the constables, &c. may distrain, and after three days sell the same, and satisfy the sum and charges, rendering the overplus.

or satisfy any such sum of money, as upon such complaint and proceeding shall by two or more justices of the peace be adjudged as aforesaid, in every such case the constables and churchwardens of the said parish, or one of them, shall, by warrant under the hands and seals of the said justices to them directed, distrain the goods and chattels of the party so refusing or neglecting as aforesaid, and after detaining them by the space of three days, in case the said sum so adjudged to be paid, together with reasonable charges for making and detaining the said distress, be not tendered or paid by the said party in the mean time, shall and may make public sale of the same, and pay to the party complaining so much of the money arising by such sale as may satisfy the said sum so adjudged, retaining to themselves such reasonable charges for making and keeping the said distress, as the said justice shall think fit, and shall render the overplus (if any be) to the owner.

Justices to administer an oath.

IV. Provided always, and be it enacted, that it shall and may be lawful for all justices of peace, in the examination of all matters offered to them by this act, to administer an oath or oaths to any witness or witnesses, where the same shall be necessary for their information, and for the better discovery of the truth.

Not to extend to London, nor any place otherwise settled by parliament.

V. Provided also, and be it enacted, that this act, or any thing herein contained, shall not extend to any tithes, oblations, payments or obventions within the city of *London*, or liberties thereof, nor to any other city or town corporate where the same are settled by any act of parliament in that case particularly made and provided.

No complaint to be heard, unless made within two years.

VI. Provided also, and be it enacted, that no complaint for or concerning any small tithes, offerings, oblations, obventions or compositions hereafter due, shall be heard and determined by any justices of the peace, by virtue of this act, unless the complaint shall be made within the space of two years next after the times that the same tithes, oblations, obventions and compositions did become due or payable; any thing in this act contained to the contrary notwithstanding.

Persons aggrieved to appeal to the sessions, who are to determine the matter.

VII. Provided also, and be it enacted, that any person finding him, her or themselves aggrieved, by any judgment to be given by any two justices of the peace, shall and may appeal to the next general quarter sessions to be held for that county, riding, city, town corporate or division, and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment, if they shall see cause; and if the justices then present, or the major part of them, shall find cause to confirm the judgment given by the first two justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels of the said appellant, as to them shall seem just and reasonable; and no proceedings, or judgment had, or to be had by virtue of this act, shall be removed or superseded by virtue of any writ of *certiorari*, or other writ out of his majesty's courts at *Westminster*, or any other court whatsoever, unless the title of such tithes, oblations, or obventions, shall be in question; any law, statute, custom, or usage to the contrary notwithstanding.

If judgment be confirmed, justices to give costs.

No judgment to be removed, unless the title be in question.

VIII. Provided always, and be it enacted, that where any person or persons complained of for subtracting or withholding any small tithes, or other duties aforesaid, shall before the justices of the peace to whom such complaint is made, insist upon any prescription, composition, or *modus decimandi*, agreement, or title, whereby he or she is or ought to be freed from payment of the said tithes, or other dues in question, and deliver the same in writing to the said justices of the peace, subscribed by him or her, and shall then give to the party complaining reasonable and sufficient security, to the satisfaction of the said justices, to pay all such costs and damages, as upon a trial at law to be had for that purpose, in any of his majesty's courts having cognizance of that matter, shall be given against him, her or them, in case the said prescription, composition, or *modus decimandi*, shall not upon the said trial be allowed; that in that case the said justices of the peace shall forbear to give any judgment in the matter; and that then and in such case the person or persons so complaining shall and may be at liberty to prosecute such person or persons for their said subtraction in any other court or courts whatsoever, where he, she, or they might have sued before the making of this act; any thing in this act to the contrary notwithstanding.

Persons complained of, insisting on any composition, &c. and giving security to pay costs, justices not to give judgment.

And complainant may prosecute in any other court.

IX. And be it further enacted by the authority aforesaid, that every person and persons, who shall by virtue of this act obtain any judgment, or against whom any judgment shall be obtained, before any justices of the peace out of sessions, for small tithes, oblations, obventions or compositions, shall cause or procure the said judgment to be enrolled at the next general quarter sessions to be holden for the said county, city, riding or division; and the clerk of the peace for the said county, city, riding or division, is hereby required upon tender thereof, to enrol the same; and that he shall not ask or receive for the enrolment of any one judgment any fee or reward exceeding one shilling; and that the judgment so enrolled, and satisfaction made by paying the same sum so adjudged, shall be a good bar to conclude the said rectors, vicars and other persons, from any other remedy for the said small tithes, oblations, obventions or compositions, for which the said judgment was obtained.

Judgment to be enrolled at the next sessions by the clerks of the peace,

and to bar vicars from any other remedy.

X. And be it further enacted by the authority aforesaid, that if any person or persons, against whom any such judgment or judgments shall be had as aforesaid, shall remove out of the county, riding, city, or corporation, after judgment had as aforesaid, and before the levying the sum or sums thereby adjudged to be levied, the justices of the peace who made the said judgment, or one of them, shall certify the same, under his or their hands and seals, to any justice of peace of such other county, city or place, wherein the said person or persons shall be inhabitants; which said justice is hereby authorized and required, by warrant under his hand and seal, to be directed to the constables or churchwardens of the place, or one of them, to levy the sum or sums so adjudged to be levied, as aforesaid, upon the goods and chattels of such person or persons, as fully as the said other justices might have done, if he, she or they had not removed as aforesaid; which shall be paid according to the said judgment.

Persons removing, justices may certify the judgment, and other justices by warrant may levy the sum adjudged.

Small tithes
to be reco-
vered before
1 October
1696.

XI. Provided always, and be it enacted, that no vicar or other person shall have remedy to recover small tithes, or other dues aforesaid, which became or were due before the making of this act, unless complaint be made to the justices of the peace in form aforesaid, before the first day of *October*, which shall be in the year of our Lord one thousand six hundred and ninety-six.

Justices may
give costs
not exceed-
ing ten shil-
lings.

XII. And it is hereby declared and enacted, that the said justices of the peace, who shall hear and determine any of the matters aforesaid, shall have power to give costs, not exceeding ten shillings, to the party prosecuted, if they shall find the complaint to be false and vexatious ; which costs shall be levied in manner and form aforesaid.

If the plain-
tiff be non-
suit, person
sued to have
double costs.

XIII. Provided also, and be it further enacted, that if any person or persons shall be sued for any thing done in execution of this act, and the plaintiff in such suit shall discontinue his action, or be non-suit, or a verdict pass against him, that then, in any of the said cases, such person or persons shall recover double costs.

Suits for
tithes not
exceeding
forty shil-
lings to have
no benefit by
this act.

XIV. Provided always, that any clerk, or other person or persons, who shall begin any suit for recovery of small tithes, oblations or obventions, not exceeding the value of forty shillings, in his majesty's courts of exchequer, or in any of the ecclesiastical courts, shall have no benefit by this act, or any clause in it, for the same matter for which he or they have so sued.

Act to con-
tinue three
years.

XV. Provided always, and be it further enacted, that this act shall continue for the space of three years, and from thence to the end of the next session of parliament, and no longer. [Made perpetual 3 *Anne*, c. 18.]

7 & 8 WILLIAM 3, CAP. 34.—*An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form.*—See Title—"QUAKERS," vol. iv. p. 113.

8 & 9 WILLIAM 3, CAP. 11, SEC. 3.—*An act for the better preventing frivolous and vexatious suits.*—See Title—"PROHIBITION," vol. iv. p. 25.

7 & 8 W 3,
c. 6, continu-
ed for seven
years.

10 & 11 WILLIAM 3, CAP. 15.—*An act for continuing the act for the more easy recovery of small tithes.*—Whereas an act made in the seventh and eighth years of his present majesty's reign, intituled *an act for the more easy recovery of small tithes*, has been by experience found very useful and necessary ; and whereas the said act was to continue but three years, and to the end of the next session of parliament, and is now near expiring ; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said recited act, with all the clauses and powers therein contained, shall continue and be in force for the space of seven years, from and after the expiration thereof as aforesaid, and from thence to the end of the next session of parliament, and no longer.

27 H. 8, c. 20.
3 W. & M.
c. 3.

11 & 12 WILLIAM 3, CAP. 16.—*An act for the better ascertaining the tithes of hemp and flax.*—Whereas an act made in the third year of the reign of his majesty and the late queen, intituled *an act for the better ascertaining the tithes of hemp and flax*, was made to continue but for seven years, and to the end of the next session of parliament

after such term ended, and is now expired: and whereas the said act hath by experience been found very useful and necessary; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the five and twentieth day of *March* which shall be in the year of our Lord one thousand seven hundred, all and every person or persons who shall sow or cause to be sown any hemp or flax in any parish or place in the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, shall pay or cause to be paid to every parson, vicar, or impropriator of any such parish or place, yearly and every year, the sum of five shillings, and no more, for each acre of hemp and flax so sown, before the same be carried off the ground, and so proportionably for more or less ground so sown; for the recovery of which sum or sums of money, the parson, vicar, or impropriator, shall have the common and usual remedy allowed of by the laws of the land.

Groundsown with flax or hemp, to pay five shillings per acre.

II. Provided, that this act, or any thing therein contained, shall not extend to charge any lands discharged by any *modus decimandi*, ancient composition, or otherwise discharged of tithes by law.

Lands discharged by *modus decimandi* not to be charged. Not to alter payment of tithes for ground sown with hemp or flax between 2 Feb. 1684, and 2 Feb. 1691.

III. Provided always, that nothing herein contained shall extend, or be construed to extend to make any alteration in the right or manner of payment of tithes of flax and hemp to any ecclesiastical person, incumbent of any parsonage, vicarage, or curacy, or to any impropriator or body corporate, having or holding any impropriation, for such ground as hath at any time since the second day of *February* one thousand six hundred eighty-four, and before the second day of *February* one thousand six hundred ninety-one, been sown with flax or hemp, and paid tithe in kind to such incumbent, impropriator, or body corporate respectively, but that the same shall continue and be payable and paid, as fully and in such manner as formerly; any thing in this act to the contrary notwithstanding.

IV. Provided, that this law shall continue in force for seven years, to be accounted from the said five and twentieth day of *March*, and from thence to the end of the next sessions of parliament, and no longer. [Made perpetual by 1 *George* 1, stat. 2, cap. 26, sec. 2.]

Act to continue seven years.

3 & 4 *ANNE*, CAP. 18, SEC. 1.—*An act for making perpetual an act for the more easy recovery of small tithes*; Whereas divers temporary laws, which by experience have been found beneficial and useful, are expired or near expiring; therefore for continuing the same, be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that an act made in the session of parliament held in the seventh and eighth years of the reign of the late king *William* the third entitled, *an act for the more easy recovery of small tithes*, which was to continue for three years, and from thence to the end of the next session of parliament, which act was further continued by an act made in the tenth and eleventh years of the reign of the said king *William* the third, for seven years from the expiration thereof, which will expire at the end of the next session of parliament after the year one thousand seven hundred and five, shall

7 & 8 W. 3, c. 6, for recovering small tithes, and further continued by 10 & 11 W. 3, c. 15. made perpetual.

be, and is hereby continued, and shall be in force, and be made perpetual.

11 & 12 W. 3, c. 16.
made perpetual by 1 G. 1, c. 26.

6 ANNE, CAP. 28.—*An act for continuing the act for ascertaining the tithes of hemp and flax.*—Whereas an act of parliament made in the eleventh and twelfth years of the reign of his late majesty king William the third, of glorious memory, intituled *an act for the better ascertaining the tithes of hemp and flax*, was to continue from the five and twentieth day of *March* which was in the year of our Lord one thousand seven hundred, and from thence to the end of the next session of parliament: and whereas the said act hath by experience been found to be very useful and necessary to this kingdom; be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said recited act shall be continued, and be in force from the five and twentieth day of *March* which shall be in the year of our Lord one thousand seven hundred and eight, for seven years, and from thence to the end of the next session of parliament, and no longer.

Continued
for seven
years.

1 GEORGE 1, STAT. 2, CAP. 6, SEC. 2.—*An act for making perpetual an act of the seventh and eighth years of the reign of his late majesty king William the third, intituled an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form; and for explaining and enforcing the said act in relation to the payment of tithes and church rates; and for appointing the form of an affirmation to be taken by the said people called Quakers, instead of the oath of abjuration.*—See Title—"QUAKERS," vol. iv. p. 116.

1 GEORGE 1, STAT. 2, CAP. 26, SEC. 2.—*An act for continuing several laws therein mentioned relating to coals, hemp and flax, Irish and Scotch linen, and the assize of bread; and for giving power to adjourn the quarter sessions for the county of Anglesea, for the purposes therein mentioned.*

The act of
11 & 12 W. 3,
c. 16, made
perpetual.

6 Anne, c. 28.

II. Be it further enacted by the authority aforesaid, that an act made in the session of parliament, held in the eleventh and twelfth years of his late majesty king William the third, intituled *an act for the better ascertaining the tithes of hemp and flax*, which was to continue for seven years, and from thence to the end of the next session of parliament; which act was further continued by an act made in the sixth year of her said late majesty queen Anne, for seven years, from the expiration thereof; which act was further continued by an act made in the first year of his present majesty king George, and will expire at the end of this present session of parliament, shall be made perpetual.

Preamble.

31 GEORGE 2, CAP. 12.—*An act to encourage the growth and cultivation of madder in that part of Great Britain called England, by ascertaining the tithe thereof there.*—Whereas madder is an ingredient essentially necessary in dyeing and calico printing, and of great consequence to the trade and manufactures of this kingdom; and may be raised therein equal in goodness, if not superior, to any foreign madder: and whereas the encouraging of the growth thereof in this kingdom, will be a saving of a very large sum of money, which is

now paid for that commodity, imported duty free from abroad; and will also be a means of employing great numbers of poor in the winter months: and whereas the ascertaining of the tithe of madder will be the greatest means of encouraging the growth of that commodity in this kingdom: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *August*, which will be in the year of our Lord one thousand seven hundred and fifty-eight, all and every person and persons who shall plant, grow, raise or cultivate, or cause to be planted, grown, raised or cultivated, any madder in any parish or place within that part of *Great Britain* called *England*, shall pay, or cause to be paid, to every parson, vicar, curate or impropriator of any such parish or place, the sum of five shillings, and no more, yearly and every year, for each acre of madder so planted, grown, raised or cultivated, and so proportionably for more or less ground so planted or cultivated, in lieu of all manner of tithe of madder; for the recovery of which sum or sums of money, the parson, vicar or impropriator, shall have the common and usual remedy allowed of by the laws of this realm,

Madder to
pay five shil-
lings per
acre, tithe,

II. Provided always, and be it enacted by the authority aforesaid, that no madder shall be carried off the ground on which it grows, before the sum or sums of money hereinbefore directed to be taken in lieu of tithes, be paid to the person or persons respectively entitled to receive the same.

and not to be
removed till
tithe be paid.

III. Provided also, that this act, or any thing herein contained, shall not extend to charge any lands discharged by any *modus decimandi*, ancient composition, or other discharge of tithes by law.

Act not to
extend to
lands dis-
charged of
tithes, &c.
and to be in
force four-
teen years.

IV. Provided always, and be it enacted by the authority aforesaid, that this act shall continue and be in force for the space of fourteen years, and from thence to the end of the then next session of parliament, and no longer.

5 GEORGE 3, CAP. 17.—*An act to confirm all leases already made by archbishops and bishops, and other ecclesiastical persons, of tithes and other incorporeal hereditaments, for one, two, or three life or lives, or twenty-one years; and to enable them to grant such leases and to bring actions of debt for recovery of rents reserved and in arrear on leases for life or lives.*—See Title—"LEASES BY SPIRITUAL PERSONS," vol. iii. p. 230.

5 GEORGE 3, CAP. 18.—*An act for continuing an act, made in the thirty-first year of his late majesty's reign, for encouraging the growth and cultivation of madder in that part of Great Britain called England, by ascertaining the tithe thereof.*—Whereas an act made in the thirty-first year of his late majesty king George the second, intituled *an act to encourage the growth and cultivation of madder in that part of Great Britain called England, by ascertaining the tithe thereof*, was to continue in force from the first day of *August*, one thousand seven hundred and fifty-eight, for the space of fourteen years, and from thence to the end of the then next session of parliament: and whereas the cultivation of madder, from the setting to its being fit for use, requires so long a time, and the buildings, mills, and other

31Geo.3,c.12.

The recited act continued for the further term of fourteen years.

requisites necessary to be provided and maintained for manufacturing it, are so expensive, that many people may be unwilling to begin the culture of it during the subsisting term of the said act: and whereas the price of foreign madder is of late greatly raised, and the same does not come into the consumer's hands so good as it may be manufactured here: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said act shall be, and the same is hereby declared to be, further continued from the expiration thereof, for and during the further term of fourteen years, and to the end of the then next session of parliament.

13 GEORGE 3, CAP. 81, SEC. 23.—*An act for the better cultivation, improvement, and regulation, of the common arable fields, wastes, and commons of pasture, in this kingdom.*

Rectors or tithe owners, not to receive gratuity for letting tithes other than by half-yearly or yearly payments.

XXIII. Provided also, and be it further enacted by the authority aforesaid, that no rector or tithe owner, in right of his rectory, vicarage, or curacy, or the lessee of either of them respectively, who shall agree for or let his tithes of the said common field lands, during the said term of six years, or any part thereof, shall receive any fine, foregift, gratuity, or compensation whatever, other than by equal half-yearly or yearly payments.

53 GEORGE 3, CAP. 127.—*An act for the better regulation of ecclesiastical courts in England; and for the more easy recovery of church rates and tithes.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 4.

59 GEORGE 3, CAP. 134.—*An act to amend and render more effectual an act passed in the last session of parliament, for building and promoting the building of additional churches in populous parishes.*—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 84.

* Sic.

7 & 8 W. 3, c. 6, s. 1.

7 GEORGE 4, CAP. 15.—*An act to amend an act passed in the seventh and eighth year* of the reign of king William the third, for the more easy recovery of small tithes.*—Whereas by an act passed in the seventh and eighth years of the reign of king William the third, intituled *an act for the more easy recovery of small tithes*, it is enacted, that all and singular the tithes, commonly called small tithes, with all oblations and obventions due to the several rectors, vicars and other persons, in *England and Wales and Berwick-upon-Tweed*, not exceeding the sum of forty shillings, shall be recovered by complaint to two or more justices of the peace within the county, riding, city, town corporate or place, where the same shall grow due; neither of which justices is to be patron of the church or chapel where the said tithes shall arise: and whereas by an act passed in the fifty-third year of the reign of his late majesty king George the third, intituled *an act for the better regulation of ecclesiastical courts in England, and for the more easy recovery of church rates and tithes*, the sum to be recovered for all manner of tithes and offerings is extended to an amount not exceeding ten pounds: and whereas it is expedient in certain cases to alter and amend that part of the said recited act of king William the third, which relates to the jurisdiction before which the said tithes shall be recovered: be it therefore enacted by the king's most excellent majesty, by and with

53 G. 3, c. 127, s. 4.

the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall and may be lawful, in all cities, towns corporate or other towns or places in *England, Wales* or *Berwick-upon-Tweed*, where the justices of the peace in and for the same are patrons of the said church or chapel where any tithes or offerings do or shall arise, for two justices of the peace in and for any adjoining county, riding or division, to hear and determine all complaints for withholding the said tithes and offerings, not exceeding the amount of ten pounds; such complaint to be made in writing by the said rector or vicar or other person, his attorney or agent.

In places where justices are patrons of church, tithes to be recovered before justices of any adjoining county.

II. And be it further enacted, that nothing in this act shall be construed to repeal or alter any of the clauses or provisions of the said recited acts, or either of them, save and except as to such parts thereof as are expressly altered or amended by the same.

How far recited acts repealed.

2 & 3 WILLIAM 4, CAP. 100.—*An act for shortening the time required in claims of modus decimandi, or exemption from or discharge of tithes.*—Whereas the expense and inconvenience of suits instituted for the recovery of tithes may and ought to be prevented, by shortening the time required for the valid establishment of claims of a *modus decimandi*, or exemption from or discharge of tithes; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all prescriptions and claims of or for any *modus decimandi*, or of or to any exemption from or discharge of tithes, by composition real or otherwise, shall in cases where the render of tithes in kind shall be hereafter demanded by our said lord the king, his heirs or successors, or by any duke of *Cornwall*, or by any lay person, not being a corporation sole or by any body corporate of many, whether temporal or spiritual, be sustained and be deemed good and valid in law, upon evidence showing, in cases of claim of a *modus decimandi*, the payment or render of such modus, and in cases of claim to exemption or discharge showing the enjoyment of the land, without payment or render of tithes, money, or other matter in lieu thereof, for the full period of thirty years next before the time of such demand, unless, in the case of claim of a *modus decimandi*, the actual payment or render of tithes in kind, or of money or other thing differing in amount, quality, or quantity from the modus claimed, or, in case of claim to exemption or discharge, the render or payment of tithes, or of money or other matter in lieu thereof, shall be shown to have taken place at some time prior to such thirty years, or it shall be proved that such payment or render of modus was made or enjoyment had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof in support of the claim shall be extended to the full period of sixty years next before the time of such demand, in such cases the claim shall be deemed absolute and indefeasible, unless it shall be proved that such payment or render of modus was made or enjoyment had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the

What prescriptions and claims of modus decimandi to be valid in law.

render of tithes in kind shall be demanded by any archbishop, bishop, dean, prebendary, parson, vicar, master of hospital, or other corporation sole, whether spiritual or temporal, then every such prescription or claim shall be valid and indefeasible, upon evidence showing such payment or render of modus made or enjoyment had, as is hereinbefore mentioned, applicable to the nature of the claim, for and during the whole time that two persons in succession shall have held the office or benefice in respect whereof such render of tithes in kind shall be claimed, and for not less than three years after the appointment and institution or induction of a third person thereto : provided always, that if the whole time of the holding of such two persons shall be less than sixty years, then it shall be necessary to show such payment or render of modus made or enjoyment had (as the case may be), not only during the whole of such time, but also during such further number of years, either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of sixty years, and also for and during the further period of three years after the appointment and institution or induction of a third person to the same office or benefice, unless it shall be proved that such payment or render of modus was made or enjoyment had by some consent or agreement expressly made or given for that purpose by deed or writing.

Proviso.

What compositions for tithes shall be considered valid.

II. And be it further enacted, that every composition for tithes which hath been made or confirmed by the decree of any court of equity in *England* in a suit to which the ordinary, patron, and incumbent were parties, and which hath not since been set aside, abandoned, or departed from, shall be and the same is hereby confirmed and made valid in law; and that no *modus*, exemption, or discharge shall be deemed to be within the provisions of this act, unless such *modus*, exemption, or discharge shall be proved to have existed and been acted upon at the time of or within one year next before the passing of this act.

The act not available in any suit now commenced, &c.

III. Provided always, that this act shall not be prejudicial or available to or for any plaintiff or defendant in any suit or action relative to any of the matters before mentioned, now commenced or which may be hereafter commenced, during the present session of parliament, or within one year from the end thereof.

To what cases this act shall not extend.

IV. Provided also, and be it further enacted, that this act shall not extend or be applicable to any case where the tithes of any lands, tenements, or hereditaments shall have been demised by deed for any term of life or number of years, or where any composition for tithes shall have been made by deed or writing, by the person or body corporate entitled to such tithes, with the owner or occupier of the land, for any such term or number of years, and such demise or composition shall be subsisting at the time of the passing of this act, and where any action or suit shall be instituted for the recovery or enforcing the payment of tithes in kind within three years next after the expiration, surrender, or other determination of such demise or composition.

Time during which lands shall be held by persons

V. Provided also, and be it further enacted, that where any lands or tenements shall have been or shall be held or occupied by any rector, vicar, or other person entitled to the tithes thereof, or by any

lessee of any such rector, vicar, or other person, or by any person compounding for tithes with any such rector, vicar, or other person, or by any tenant of any such rector, vicar, or other person, or of any such lessee or compounder, whereby the right to the tithes of such lands or tenements may have been or may be during any time in the occupier thereof, or in the person entitled to the rent thereof, the whole of every such time and times shall be excluded in the computation of the several periods of time hereinbefore mentioned.

entitled to the tithes thereof to be excluded in the computation;

VI. Provided also, that the time during which any person otherwise capable of resisting any claim to any of the matters before mentioned shall have been or shall be an infant, idiot, *non compos mentis*, feme covert, or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted, until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

as also the time during which any person capable of resisting any claim shall be an infant, &c.

VII. And be it further enacted, that in all actions and suits to be commenced after this act shall take effect it shall be sufficient to allege that the modus or exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this act as may be applicable to the case; and if the other party shall intend to rely on any proviso, exception, incapacity, disability, contract, agreement, deed, or writing herein mentioned, or any other matter of fact or of law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, the same shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of the matter claimed.

What it shall be sufficient to allege in actions commenced under this act.

VIII. And be it further enacted, that in the several cases mentioned in and provided for by this act no presumption shall be allowed or made in favour or support of any claim upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in this act as may be applicable to the case and to the nature of the claim.

No presumption allowed in support of any claim for any less period than herein mentioned.

IX. Provided also, and be it further enacted, that this act shall not extend to *Scotland* or *Ireland*.

Act to extend to England only.

4 & 5 WILLIAM 4, CAP. 83.—*An act to amend an act passed in the third year of his present majesty, intituled an act for shortening the time required in claims of modus decimandi, or exemption from or discharge of tithes.*—Whereas by an act passed in the third year of the reign of his present majesty, intituled *an act for shortening the time required in claims of modus decimandi, or exemption from or discharge of tithes*, certain provisions were made limiting the period within which in cases of claims of a *modus decimandi* the payment or render of such modus, and in cases of claim of or to any exemption from or discharge of tithes by composition real or otherwise, the enjoyment of the land without payment or render of tithes or money, or other matter in lieu thereof, should be shown to have taken place: and whereas it was by the said act further enacted, that nothing therein contained should be prejudicial or available to or for any

2 & 3 W. 4, c. 100.

Proceedings stayed on defendant's paying costs into court.

plaintiff or defendant in any suit or action relative to any of the matters therein mentioned, then commenced, or which might be thereafter commenced during the then session of parliament, or within one year from the end thereof: and whereas since the passing of the said act a great number of suits have been instituted for the recovery of tithes, under the apprehension on the part of the plaintiffs that they would be precluded by the said act from recovering the tithes to which they claim to be entitled unless they prosecuted their claims within the periods limited by the said act; and whereas it is deemed advisable to enable the defendants in such suits to cause all further proceedings therein to be suspended until the end of the next session of parliament, upon the terms hereinafter expressed: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall and may be lawful for the defendant or defendants in any action or suit which may have been commenced or instituted since the passing of the said recited act for the recovery of tithes, or for invalidating claims of a *modus decimandi*, or an exemption from or discharge of tithes, for lands in respect whereof no tithes, nor any composition in lieu thereof, shall have been actually rendered or paid within the space of sixty years previous to the passing of this act, with the consent of the plaintiff or plaintiffs in such action or suit, to pay the amount of the costs and expenses (to be taxed as between party and party) which may have been incurred by or on the part of the plaintiff or plaintiffs in such action or suit into the bank of *England*, in the name and with the privity of the accountant general of the court of chancery or of the court of exchequer, or of the proper officer of the court in which such action or suit shall have been brought, to the credit or on account of such action or suit; and in every case where such costs and expenses shall be so paid into court, all further proceedings in such action or suit (except as hereinafter provided) shall be stayed and suspended until the end of the next session of parliament.

Plaintiff may give notice to defendant of his intention to proceed; in which case the defendant may have his costs out of court.

II. And be it further enacted, that from and after the end of the next session of parliament it shall and may be lawful for the plaintiff or plaintiffs in any action or suit, in which the defendant or defendants shall have caused the proceedings to be stayed or suspended under the provision hereinbefore contained, to give notice to the defendant or defendants of his, her, or their intention to proceed in such action or suit, and to proceed therewith accordingly; and then and in every such case the defendant or defendants shall, immediately after such notice shall have been so given, be entitled to receive out of court the sum or sums which such defendant or defendants shall have previously paid into court on account of the costs of the plaintiff or plaintiffs.

If plaintiff accepts the costs, all proceedings to be abandoned.

III. Provided always, and be it further enacted, that it shall and may be lawful for the plaintiff or plaintiffs in any action or suit in which the defendant or defendants shall have paid into court the costs of such plaintiff or plaintiffs under the provision hereinbefore contained, to take the sum or sums which may have been so paid for

such costs out of court, for his, her, or their own use, and then and in every such case all further proceedings in such action or suit shall be for ever abandoned and relinquished.

IV. And be it further enacted, that it shall and may be lawful for the successors, heirs, executors, administrators, or assigns of any plaintiff or plaintiffs, whose action or suit may be so stayed or suspended as aforesaid, to revive and proceed with such action or suit after the end of the next session of parliament, or to take such costs as aforesaid out of court, and cause all further proceedings to be abandoned and relinquished, in the same manner in every respect as the original plaintiff or plaintiffs might or could have done.

Executors,
heirs, &c.
may act in
case of death.

V. Provided always, and be it enacted, that notwithstanding the provision hereinbefore contained it shall and may be lawful for any party to any action or suit so suspended, upon adducing sufficient proof to the satisfaction of a judge of the court in which such action or suit shall have been commenced that there is danger of some material evidence in support of the right or claim of such party being lost in consequence of such suspension, to proceed in such action or suit to the extent of proving such fact or facts the evidence respecting which shall be so shown as aforesaid to be in danger of being lost through such suspense.

Judges may,
upon sufficient
cause shown, per-
mit actions
to be pro-
ceeded with.

VI. Provided always, and be it enacted, that nothing in this act contained shall prevent the prosecution of any suit in law or equity for the recovery of any tithes claimed or demanded previous to the passing of the said recited act, or for the recovery of the value thereof.

As to previ-
ous claims.

5 & 6 WILLIAM 4, CAP. 74.—*An act for the more easy recovery of tithes.*—Whereas an act was passed in the seventh and eighth years of the reign of king *William* the third, intituled *an act for the more easy recovery of small tithes*, whereby it was amongst other things enacted, that two or more of his majesty's justices of the peace were authorized and required to hear and determine complaints touching small tithes, oblations, and compositions subtracted or withheld, not exceeding forty shillings: and whereas an act was passed in the fifty-third year of the reign of his late majesty king *George* the third, intituled *an act for the better regulation of ecclesiastical courts in England, and for the more easy recovery of church rates and tithes*, whereby the jurisdiction of the said justices was extended to all tithes, oblations, and compositions subtracted or withheld, where the same should not exceed ten pounds in amount from any one person: and whereas by an act of the seventh and eighth years of the reign of king *William* the third, chapter thirty-four, provision is made for the recovery of great and small tithes (not exceeding the amount of ten pounds) due from *Quakers*, by distress and sale, under the warrant of two justices: and whereas by an act of the first year of the reign of king *George* the first, chapter six, the provisions of the said last mentioned act were extended, in the case of *Quakers*, to all tithes or rates, and customary rights, dues, and payments belonging to any church or chapel: and whereas by the said recited act of the fifty-third year of the reign of king *George* the third the aforesaid provisions in relation to *Quakers*, were amended, and were also made applicable to any amount not exceeding fifty pounds: and whereas

7 & 8 W. 3,
c. 6.

53 G. 3, c. 127.

Proceedings for the recovery of tithes under £10, (except in the case of Quakers) shall be had only under the powers of the two first recited acts.

Proviso.

Manner of recovering tithes due from Quakers.

by an act of the parliament of *Ireland* of the seventh year of the reign of king *George* the third, chapter twenty-one, amended and extended by an act of the parliament of the united kingdom of the fifty-fourth year of the reign of king *George* the third, chapter sixty-eight, similar provisions are in force in *Ireland* for the recovery, from *Quakers*, of great and small tithes, and customary and other rights, dues, and payments belonging to any church or chapel, not exceeding the amount of fifty pounds : and whereas it is highly expedient, and would further tend to prevent litigation, if, in the cases and with the exceptions hereinafter mentioned, all claimants were restricted to the respective remedies provided by the said recited acts : be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act no suit or other proceeding shall be had or instituted in any of his majesty's courts in *England* now having cognizance of such matter for or in respect of any tithes, oblations, or compositions withheld, of or under the yearly value of ten pounds (save and except in the cases provided for in the two first recited acts), but that all complaints touching the same shall, except in the case of *Quakers*, be heard and determined only under the powers and provisions contained in the said two first recited acts of parliament in such and the same mannner as if the same were herein set forth and re-enacted ; and that no suit or other proceeding shall be had or instituted in any of his majesty's courts either in *England* or *Ireland* now having cognizance of such matter, for or in respect of any great or small tithes, moduses, compositions, rates, or other ecclesiastical dues or demands whatsoever, of or under the value of fifty pounds, withheld by any *Quaker* either in *England* or *Ireland* ; but that all complaints touching the same, if in *England*, shall be heard and determined only under the powers and provisions contained in the said recited acts of the seventh and eighth years of king *William* the third, chapter thirty-four, and the fifty-third year of king *George* the third, and if in *Ireland*, under the said recited act of the parliament of *Ireland* of the seventh year of king *George* the third, and the said recited act of the fifty-fourth year of king *George* the third, in the same manner as if the same were herein set forth and re-enacted : provided always, that nothing hereinbefore contained shall extend to any case in which the actual title to any tithe, oblation, composition, modus, due, or demand, or the rate of such composition or modus, or the actual liability or exemption of the property to or from any such tithe, oblation, composition, modus, due, or demand shall be *bona fide* in question, nor to any case in which any suit or other proceeding shall have been actually instituted before the passing of this act.

II. And be it enacted, that in case any suit or other proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of his majesty's courts in *England* or *Ireland*, for recovering any great or small tithes, modus or composition for tithes, rate or other ecclesiastical demand, subtracted, unpaid, or withheld by or due from any *Quaker*, no execution or decree or order shall issue or be made against the person or persons of the defendant

or defendants, but the plaintiff or plaintiffs shall and may have his execution or decree against the goods or other property of the defendant or defendants; and in case any person now is detained in custody in *England* or *Ireland* under any execution or decree in such suit or proceeding, the sheriff or other officer having such person in his custody shall forthwith discharge him therefrom; and the plaintiff or plaintiffs in such suit or proceeding shall and may, notwithstanding such discharge, issue any other execution or take any other proceeding for recovering his demand and his costs out of the property, real or personal, of the person so discharged.

5 & 6 WILLIAM 4, CAP. 75.—*An act for the amendment of the law as to the tithing of turnips in certain cases.*—Whereas it is frequently convenient and necessary, in the agistment of turnips by sheep or cattle, to sever the turnips from the ground, in order that they may be the more easily and completely consumed, and thereby to prevent waste, and it is not reasonable that such severance should vary or affect the payment of tithe: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, in all cases where turnips shall be severed in the manner and for the purpose aforesaid, and shall be eaten on the ground by sheep or cattle, and not otherwise removed, the same shall be subject to the payment of tithe in the same manner and to the same extent as if they had been eaten by such sheep or cattle without having been so severed as aforesaid, and no further or otherwise.

Turnips severed from the land, if consumed on the same, subject to tithe as if not so severed.

6 & 7 WILLIAM 4, CAP. 71.—*An act for the commutation of tithes in England and Wales.*—Whereas it is expedient to amend the laws relating to tithes in *England* and *Wales*, and to provide the means for an adequate compensation for tithes, and for the commutation thereof: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for one of his majesty's principal secretaries of state to appoint two fit persons to be commissioners to carry this act into execution, and for the archbishop of *Canterbury*, under his hand and archiepiscopal seal, to appoint one fit person to be a commissioner to carry this act into execution, and for the said archbishop and secretary of state, at their joint pleasure, to remove any one or more of the commissioners so appointed; and upon every vacancy in the office of commissioner some other fit person shall be appointed to the said office in the same manner and by the same authority as the commissioner whose vacancy is thereby supplied; and until such appointment it shall be lawful for the continuing commissioners or commissioner to act as if no such vacancy had occurred.

Appointment of commissioners.

II. And be it enacted, that the said commissioners shall be styled "The Tithe Commissioners for *England* and *Wales*," and shall have their office in *London* or *Westminster*, and they, or any two of them, may sit from time to time, as they deem expedient, as a board of commissioners for carrying this act into execution; and the said commissioners shall cause to be made a seal of the said board, and shall cause to be sealed or stamped therewith all agreements and

Style of commissioners.

To have a common seal

Awards, &c.
sealed with
such seal to
be evidence.

awards confirmed by the said commissioners in pursuance of this act; and all such agreements and awards and other instruments proceeding from the said board, or copies thereof, purporting to be sealed or stamped with the seal of the said board, shall be received in evidence without any further proof thereof; and no agreement or award shall be of any force unless the same shall be sealed or stamped as aforesaid.

Commission-
ers to report
to secretary
of state.

III. And be it enacted, that the said commissioners shall from time to time give to any one of his majesty's principal secretaries of state such information respecting their proceedings or any part thereof as the said principal secretary of state shall require, and shall once in every year send to one of the principal secretaries of state a general report of their proceedings; and every year such general report shall be laid before both houses of parliament within six weeks after the receipt of the same by such principal secretary of state if parliament be sitting, or if parliament be not sitting then within six weeks after the next meeting thereof.

Annual re-
port to be
laid before
parliament.

Power to
appoint
assistant
commission-
ers, secreta-
ry, assistant
secretary, &c.

IV. And be it enacted, that it shall be lawful for the commissioners from time to time to appoint a sufficient number of persons to be assistant commissioners, and also a secretary and assistant secretary, and all such clerks, messengers, and officers as they shall deem necessary, and to remove such assistant commissioners, secretary, or assistant secretary, clerks, messengers, or officers, or any of them, and on any vacancy in any of the said offices to appoint some other person to the vacant office; and the persons so appointed shall assist in carrying this act into execution at such places and in such manner as the said commissioners may direct: provided always, that the said commissioners shall not appoint more than twelve such assistant commissioners to act at any one time, unless the lord high treasurer, or any three or more of the commissioners, of his majesty's treasury, shall, in the case of each such appointment, consent thereto; provided further, that the number of such clerks, messengers, and officers shall be subject to the like consent.

Limiting
the number
of appoint-
ments.

Commission-
ers not to sit
in the house
of commons.

V. And be it enacted, that no commissioner or assistant commissioner appointed as aforesaid shall during his continuance in such office be capable of being elected or of sitting as a member of the house of commons.

Duration of
act as to ap-
pointment of
commission-
ers, &c.

VI. And be it enacted, that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person so to be appointed, shall hold his office for a longer period than five years next after the day of the passing of this act, and thenceforth until the end of the then next session of parliament; and after the expiration of the said period of five years and of the then next session of parliament so much of this act as authorizes any such appointment shall cease.

Salaries of
and allow-
ances to com-
missioners
and assistant
commission-
ers, secretary
and other
officers.

VII. And be it enacted, that the salaries of the commissioners, the allowance to the assistant commissioners, and the salaries of the secretary, assistant secretary, clerks, messengers, and other officers to be appointed under this act, shall be from time to time regulated by the lord treasurer or the lords commissioners of his majesty's treasury, or any three of them; provided always, that the salary of a commissioner shall not exceed the sum of one thousand five hundred

pounds a year, nor the allowance to an assistant commissioner the sum of three pounds for every day that he shall be actually employed or travelling in the performance of the duties of his office, nor the salaries of the secretary or assistant secretary the sum of eight hundred pounds a year; and that the salaries of the clerks, messengers, and other officers shall be in fit proportion: provided also, that the said lord treasurer or lords commissioners may allow to any commissioner, assistant commissioner, secretary, assistant secretary, clerk, messenger, or other officer, any such reasonable travelling and other expenses as may have been incurred by him in the performance of his duties under this act, in addition to his salary or allowance respectively.

VIII. And be it enacted, that the salaries, allowances, and travelling and other expenses of the commissioners, assistant commissioners, secretary, assistant secretary, clerks, messengers, and officers as aforesaid, and all other incidental expenses of carrying this act into execution, not herein otherwise provided for, shall be paid by the lord treasurer or the lords commissioners of his majesty's treasury out of the consolidated fund.

Such salaries, &c. how to be paid.

IX. And be it enacted, that every such commissioner and assistant commissioner shall, before he shall enter upon the execution of his office, take the following oath before one of the judges of his majesty's court of king's bench or common pleas, or one of the barons of the court of exchequer; (that is to say),

Oath of commissioners and assistant commissioners.

I *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, fulfil all the powers and duties of a commissioner [or assistant commissioner, as the case may be], under an act passed in the _____ year of king *William* the fourth, intituled [*here set forth the title of this act.*]

And the appointment of every such commissioner and assistant commissioner, with the time when and the name of the judge or baron before whom he shall have taken the oath aforesaid, shall be forthwith published in the *London Gazette*.

Appointment to be published in Gazette.

X. And be it enacted, that the said commissioners, or any assistant commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as hereinafter mentioned relating to the commutation of tithes, and also make any inquiries and call for any answer or return as to any such matter, and also administer oaths, and examine all such persons upon oath, and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts, and writings, terriers, maps, plans, and surveys, or copies thereof respectively, in anywise relating to any such matter: provided always, that no such person shall be required, in obedience to any such summons, to travel more than ten miles from the place of his abode, or to produce any deeds, papers, or writings relating to the title of any lands or tithes.

Commissioners or assistant commissioner may summon and examine witnesses.

XI. And be it enacted, that the said commissioners may delegate to their assistant commissioners, or to any one or more of them, such of the powers hereby given to the said commissioners as the said commissioners shall think fit, (except the power to confirm agreements and awards, or to frame forms of agreements and other

Commissioners may delegate powers to assistant commissioners, except the powers to be exercised

under their
seal,

instruments, as hereinafter provided, or to do any act herein required to be done under the seal of the said commissioners), and the powers so delegated shall be exercised under such regulations as the said commissioners shall direct; and the said commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such assistant commissioner in pursuance of such delegated powers shall be obeyed by all persons as if they had proceeded from the said commissioners, and the nonobservance thereof shall be punishable in like manner.

Meaning of
the words
"person,"
"lands,"
"tithes,"
"parish,"
"parochial,"
"land
owner,"
"tithe
owner," as
used in this
act.

XII. And be it enacted, that in the construction and for the purposes of this act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the king's majesty, and any body corporate, aggregate, or sole, as well as an individual; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male; and the word "lands" shall mean and include all messuages, lands, tenements, and hereditaments; and the word "tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "parish" and "parochial" shall mean and include and extend to every parish and every extra-parochial place, and every township or village, within which overseers of the poor are separately appointed under the provisions of an act passed in the thirteenth and fourteenth years of the reign of his late majesty king Charles the second, intituled *an act for the better relief of the poor of this kingdom*, and every district of which the tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the commissioners shall by any order direct to be considered as a separate district for the commutation of tithes; and the words "land owner" or "tithe owner" or "owner of lands" or "owner of tithes" shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any lands or tithes, (except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof), and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the pay-

13 & 14 Car. 2,
c. 12.

ment of such rent of such tithes or lands, be deemed for the purposes of this act to be the owner of such tithes or lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any tithes or lands under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this act to be the owner of such tithes or lands.

Where parties to be deemed joint owners.

XIII. And be it enacted, that whenever the ownership of any lands or tithes to which the provisions of this act are intended to apply shall be vested in his majesty, the first commissioner of his majesty's woods, forests, and land revenues for the time being, or in case such lands or tithes shall be vested in his majesty in right of the duchy of *Lancaster* or of the duchy of *Cornwall*, the chancellor of the duchy of *Lancaster*, or the officers of the duchy of *Cornwall* entitled to grant leases of lands parcel of the duchy of *Cornwall*, shall for the purposes of this act be substituted instead of the owner of such lands or tithes respectively; and whenever the patronage of any benefice to which the provisions of this act are intended to apply shall be vested in his majesty, the lord high treasurer or first lord commissioner of the treasury for the time being where the value of such benefice is above the yearly value of twenty pounds in the king's books, and where such value is of or below the yearly value of twenty pounds in the king's books the lord chancellor or lord keeper or first lord commissioner of the great seal for the time being, shall for the purposes of this act be substituted instead of the patron: provided nevertheless, that if such patronage is vested in his majesty in right of the duchy of *Lancaster*, the chancellor for the time being of such duchy shall for the purposes of this act be substituted instead of the patron.

When the ownership of lands or tithes or patronage is vested in the crown, who shall be deemed the owner or patron.

XIV. And be it enacted, that whenever any person shall be at the same time owner of any lands and owner of any tithes comprised within any agreement to be executed pursuant to the provisions of this act, or besides being owner of any lands or of any tithes shall also be patron of the benefice to which the tithes in question may belong, such person, in relation to such agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.

When the same person is owner of lands and tithes, he may be dealt with in both characters.

XV. And be it enacted, that whenever the patron of any benefice or the owner of any lands or tithes to which the provisions of this act are intended to apply, or any person interested in any question as to any tithes, shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof such person as may be nominated for that purpose by the commissioners after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this act be substituted in the place of such patron, owner, or person so interested.

In case the patron or owner is under legal disability, who to act.

Acts may be done by agents duly authorized.

Power of attorney.

Parochial meetings may be called, at which owners of two-thirds in value may agree on the sum to be paid to the tithe owners, which agreement shall bind the whole parish.

Provisional agreements may be made at the parochial meetings.

XVI. And be it enacted, that it shall be lawful for any land owner or tithe owner, by a power of attorney given in writing under his hand, to appoint an agent to act for him in carrying into execution the provisions of this act ; and all things which by this act are directed to be done by or with relation to any person may be lawfully done by or with relation to the agent so duly authorized of such person ; and every such agent shall have full power, in the name and on behalf of his principal, to concur in and execute any agreement, and to vote on any question arising out of the execution of this act ; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted ; and the power of attorney under which the agent shall have acted, or a copy thereof authenticated by the signature of two credible witnesses, shall be appended to every agreement executed by any such agent, and shall be sent with it to the office of the commissioners as hereinafter provided ; and any such power of attorney may be in the form following :

I *A. B.* of [*&c.*] do hereby appoint *C. D.* of [*&c.*] to be my lawful attorney to act for me in all respects as if I myself were present and acting in the execution of an act passed in the sixth and seventh years of his present majesty, intituled [*here insert the title of this act.*]
(Signed) '*A. B.*'

XVII. And be it enacted, that any one or more of the land owners or tithe owners, whose interest respectively shall not be less than one-fourth part of the whole value of the lands subject to tithes, or one-fourth part of the whole value of the tithes of any parish in *England* or *Wales*, may call a parochial meeting of land owners and tithe owners within the limits of the parish, by notice thereof in writing under his or their hand, to be affixed at least twenty-one days before such meeting on the principal outer door of the church, or in some public or conspicuous place within the limits of the parish, and to be twice at least during such twenty-one days inserted in some newspaper generally circulated within the county in which such parish is situated, for the purpose of making an agreement for the general commutation of tithes within the limits of such parish ; and every landowner and tithe owner attending such meeting shall bear his own expenses of attendance ; and the land owners and tithe owners who shall be present at any such meeting called as aforesaid, and whose interest in the lands and tithes of the parish respectively shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes of the parish, may proceed to make and execute a parochial agreement for the payment of an annual sum by way of rent charge, variable as hereinafter provided, instead of the great and small tithes of the parish collectively, or instead of the great tithes and small tithes severally, to the respective owners thereof in the said parish ; and every agreement so made and executed, and confirmed in manner hereinafter mentioned, shall be binding on all persons interested in the tithes or lands subject to tithes of the said parish.

XVIII. And be it enacted, that the majority of such land owners and tithe owners present at every such meeting shall elect a chairman, who shall forthwith proceed to ascertain the interest of the

land owners and tithe owners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional agreement for the commutation of tithes of the like form and tenor; and every such provisional agreement which shall be executed within six calendar months from the day of the first making thereof by the land owners and tithe owners whose interest in the lands and tithes of the parish shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes of the parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the agreement was first made.

XIX. Provided always, and be it enacted, that the proportional interest of the owners of such lands or tithes, so far as relates to their power to make any such agreement or provisional agreement, or to give any notice to the commissioners or assistant commissioners as hereinafter provided, shall be estimated according to the proportional sum at which such lands or tithes shall be rated to the relief of the poor, or, if there shall be no such rate, according to the rules by which property of the same kind is by law rateable to the relief of the poor.

Proportional interest in lands and tithes how to be estimated for the purposes of this act.

XX. And be it enacted, that in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the chairman shall adjourn the meeting to any time and place then by him to be declared, and so from time to time in case the same shall be in like manner desired by a majority of the persons attending such meeting; and notice of every adjourned meeting shall be given under the hand of the chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden: and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

Meeting may be adjourned.

XXI. And be it enacted, that every such agreement shall bear date on the day on which the first signature is attached thereto, and every such agreement or some schedule thereunto annexed shall set forth all the lands of the said parish which are subject to the payment of any kind of tithes, and also the true or estimated quantity in statute measure of land subject to tithes within the parish which shall be then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, and shall also set forth whether any modus or composition real, or prescriptive or customary payment, shall be payable instead of all or any of the tithes of the said parish, and which lands or tithes respectively are covered thereby, and shall also set forth which of the said tithes, moduses, compositions, or payments are payable to the tithe owner, or if there is more than one tithe owner to each of the several tithe owners in the said parish, distinguishing in what right every such tithe owner is entitled to such tithes, and shall also set forth whether

Form of parochial agreement.

any and which of the lands of the said parish are or have been under any and what circumstances exempt from the payment of any and what tithes; and such agreement shall also state in words at length the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided) instead of the tithes of the lands comprised in the said agreement, and instead of all moduses and compositions real, prescriptive and customary payments (if any), payable in respect of such lands, or the produce of such lands, or any of them, distinguishing, if there is more than one tithe owner the sum payable to every such tithe owner, and where the tithes of different lands in the same parish are payable to different tithe owners, or to the same tithe owner in different rights, distinguishing the sum payable in respect of such different lands; and every such agreement shall also state all such other particulars as the commissioners shall by any order from time to time require to be inserted in such agreements.

Commissioners to frame and circulate forms of agreements, &c.

XXII. And be it enacted, that the commissioners shall frame and cause to be printed, as soon as conveniently may be after their appointment, forms of notices and agreements and such other instruments as in their judgment will further the purposes of this act, and supply all or any of such forms to the churchwardens and overseers of any parish who may require the same, or to whom the commissioners may think fit to send the same, for the use of any land owner or tithe owner desirous of putting this act in execution.

Commissioner or assistant commissioner may attend to advise terms of agreement.

XXIII. And be it enacted, that any commissioner, or assistant commissioner, if the commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no commissioner or assistant commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the commissioners in case of an award or apportionment by the commissioners as hereinafter provided.

Suits and differences may be referred to arbitration.

XXIV. And be it enacted, that if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real or prescriptive or customary payment, or any claim of exemption from or non-liability to tithes, under any circumstances, in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the owners, or, if there shall be no owner actually in possession, for the persons claiming to be the owners of the lands and tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of his majesty's courts of record, upon such terms of reference as the parties may agree upon; and the decision of the arbitrator or arbitrators named in the said reference shall for the purposes of this act be final and conclusive on all persons: provided nevertheless, that no person being owner of an estate in land or tithes, less in the whole than an immediate estate of fee simple or fee tail, shall be empowered to submit to any such reference so as to bind any person

in remainder, reversion, or expectancy, without the consent of the commissioners; and that it shall be lawful for the commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any person in remainder, reversion, or expectancy of an estate of inheritance in the said lands or tithes, or any other person whom they shall deem to be interested therein, shall be made a party to such reference.

XXV. And be it enacted, that every agreement for the commutation for a rent charge of the tithes of any lands which shall be pending at the time of the passing of this act, and which shall be executed before or within six calendar months after the passing of this act by the land owners and tithe owners, or persons claiming to be such owners, whose interest in the said lands and tithes shall not be less than two-thirds of the said lands, two-thirds of the great tithes and two-thirds of the small tithes of the said lands, and which shall be confirmed by the commissioners, under their hands and seal, in the manner hereinafter provided for the confirmation of any parochial agreement, shall be as valid, and the rent charge agreed to be paid by any such agreement shall be apportioned and charged, as hereinafter provided, among and upon the said lands, as if the agreement had been made and executed at a parochial meeting.

Agreements pending at the time of the passing of this act, if completed and confirmed by the commissioners, to be as valid as parochial agreements.

XXVI. Provided always, and be it enacted, that in every case in which any tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such tithes made and executed under this act shall be deemed to be executed by the owner of such tithes unless such consent thereto be given as is hereinafter mentioned; (that is to say), in the case of an archbishop or bishop, the consent of the crown signified by the lord high treasurer or first lord commissioner of the treasury; and in case of the incumbent of any other benefice or ecclesiastical dignity, the consent of the patron or person entitled to present to such benefice or dignity in case the same were then vacant; and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

Consent of patron to be given to every agreement for commutation of ecclesiastical tithe.

XXVII. And be it enacted, that every such agreement, as soon as may be after it shall have been executed by a sufficient number of land owners and tithe owners whose interest in the lands and tithes of the parish respectively shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes, shall be sent by the chairman of the meeting, or by the person in whose custody it shall then be, to the office of the commissioners, and the commissioners, by themselves, or by some assistant commissioner, shall cause inquiry to be made and shall require such proof as will be satisfactory to them, whether or not the agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the commissioners shall confirm the agreement under their hands and seal, and shall add to such agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish in

Agreement to be confirmed by the commissioners.

such manner as to them shall seem fit; and every such confirmed agreement shall be binding on all persons interested in the said lands or tithes.

Agreement to be communicated to bishop of the diocese previous to its being confirmed.

XXVIII. Provided always, and be it enacted, that before the commissioners shall confirm any such agreement relating to tithes belonging to any ecclesiastical person in right of any spiritual dignity or benefice, they shall communicate the same to the bishop of the diocese for his observations and opinion; and no such agreement shall be confirmed by such commissioners until four weeks shall have elapsed from the date of the transmission of such agreement to such bishop, unless the said bishop shall sooner signify his approbation of such agreement to the said commissioners.

Land, not exceeding 20 acres, may be given as commutation for tithes, &c.

XXIX. And be enacted, that any such parochial agreement may be made in manner and form aforesaid for giving to any ecclesiastical owner, in right of any spiritual benefice or dignity, of any tithes or of any rent charge for which such tithes shall have been commuted, any quantity not exceeding in the whole twenty imperial acres of land by way of commutation for the whole or an equivalent part of the great or small tithes of the parish, or in discharge of or exchange for the whole or an equivalent part of any rent charge agreed to be paid instead of such tithes, but subject in every case to the provisions hereinafter contained; and every such agreement shall be made in such form and contain such particulars as the commissioners shall in that behalf direct, specifying the land whereof the tithes or rent charge for which such tithes shall have been commuted shall be the subject of such agreement, and giving full and sufficient descriptions of the quantity, state of culture, and annual value of the land proposed to be given in exchange for such tithes or rent charge: provided always, that the same consent and confirmation shall be necessary to any such agreement as in the case of an agreement for a rent charge; and that in case the said agreement shall not extend to the whole of the tithes of the parish, an agreement or award as hereinafter provided may and shall be made for the payment of a rent charge in satisfaction of the residue of the said tithes; and such rent charge when agreed upon or awarded, or the residue thereof, shall be apportioned in manner hereinafter provided upon all the lands of the parish subject to the payment of tithes, unless otherwise agreed upon by the parties to the said parochial agreement, except the land so given by way of commutation, in like manner as if no agreement for giving land had been made: provided also, that the land so given shall be free from incumbrances, except leases at improved rent, land tax, or other usual outgoings, and shall not be of leasehold tenure, nor of copyhold or customary tenure, subject to arbitrary fine or the render of heriots.

Commissioners to satisfy themselves of the title of such land, &c.

XXX. And be it enacted, that in every case in which any such agreement for giving land shall be so entered into, the commissioners shall satisfy themselves, in such way and by such evidence as they shall see fit, of the title to the land proposed thereby to be given in exchange for such tithes or rent charge, and that the same are of the description and value set forth in such agreement, and that such agreement is conformable in every respect to the provisions hereinbefore contained respecting the same; and the expense attending

every such agreement for giving land, and the confirmation thereof, and of investigating the title to the land, shall be borne by the owners of land liable to the payment of tithes within the parish, in such proportions as they may agree, or, in default of agreement, as the commissioners may direct.

XXXI. And be it enacted, that such agreement for giving land, confirmed by the said commissioners, shall operate as a conveyance of such land to the owner of such tithes or rent charge, and the land so conveyed shall thereupon vest in and be and be deemed to be holden by such person or persons, and upon the like uses and trusts in every respect as the tithes or rent charge in commutation or exchange for which the same shall have been given shall be vested and holden; and for the purpose of making and completing any such agreement the provisions of this act respecting persons under legal disability shall apply to every person party to such agreement or in whom any such land shall be vested, and whose concurrence or consent may be necessary to the perfecting thereof, or of the title to such land, as fully as if the same had been here repeated and re-enacted.

Agreements
for giving
land to ope-
rate as con-
veyances.

XXXII. And be it enacted, that at the said meeting or at some adjournment thereof, or at some other parochial meeting to be called in like manner, either before or after the confirmation of the agreement, the owners of lands subject to tithes in the said parish, or their agents, present at the meeting, may appoint a valuer or valuers; and in case the majority in respect of number and the majority in respect of interest shall not agree upon the appointment, then they shall appoint two or such other even number of valuers as shall be then agreed on by such land owners, half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest, of such land owners then present.

Appointment
of valuers.

XXXIII. And be it enacted, that as soon as may be after the choosing of such valuer or valuers, and after the confirmation of the said agreement, the valuer or valuers so chosen shall apportion the total sum agreed to be paid by way of rent charge instead of tithes, and the expenses of the apportionment, amongst the several lands in the said parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the valuer or valuers shall be chosen, or if no principles shall be then agreed upon for the guidance of the valuer or valuers, then, having regard to the average titheable produce and productive quality of the lands, according to his or their discretion and judgment, but subject in each case to the provisions hereinafter contained, and so that in each case the several lands shall have the full benefit of every modus and composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable; provided that it shall be lawful for the said valuers, when an even number is chosen, by any writing under their hands, to appoint an umpire before they proceed upon the business of such apportionment, and the decision of the umpire on the questions in difference between the valuers shall be binding on them, and shall be adopted by them in the apportionment.

Valuers to
apportion the
rent charge.

Valuers may enter on lands for the purpose of valuing tithes.

XXXIV. And be it enacted, that the said valuers and umpire (if it shall become necessary for him to act), and their agents or servants, at all reasonable times, may enter upon any of the lands to be included in the apportionment, and make an admeasurement, plan, and valuation of the same, without being subject to any action or molestation for so doing: provided always, that no valuer or umpire shall be capable of acting until he shall have made and subscribed before the said commissioners, or some assistant commissioner or justice of the peace, a solemn declaration to the same purport and effect as the oath hereinbefore directed to be made by the said commissioners, substituting only the proper description of such person instead of the word commissioner, and adding to his signature the usual place of his residence, which declaration it shall be lawful for the said commissioners, or any assistant commissioner or justice, to administer; and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the office of the commissioners.

Old plans and surveys may be used if the valuers think proper.

XXXV. And be it enacted, that the valuer or valuers or umpire may, if they think fit, use for the purposes of this act any admeasurement, plan, or valuation previously made of the lands or tithes in question of the accuracy of which they shall be satisfied; and that it shall be lawful for the meeting at which such valuer or valuers shall be chosen to agree upon the adoption for the purposes aforesaid of any such admeasurement, plan, or valuation, and such agreement shall be binding upon the valuer or valuers; provided always, that three-fourths of the land owners in number and value shall concur therein.

After 1st Oct. 1838, commissioners may ascertain total value of tithes in any parish in which no previous agreement has been made.

XXXVI. And be it enacted, that after the first day of *October*, one thousand eight hundred and thirty-eight the commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some assistant commissioner, to ascertain and award the total sum to be paid by way of rent charge instead of the tithes of every parish in *England* and *Wales* in which no such agreement binding upon the whole parish as aforesaid shall have been made and confirmed as aforesaid: provided nevertheless, that if any proceeding shall be had towards making and executing any such agreement after the commissioners shall have given or caused to be given notice of their intention to act as aforesaid in such parish, the commissioners may refrain from acting upon such notice, if they shall think fit, until the result of such proceeding shall appear.

Value of tithes to be calculated upon an average of seven years.

XXXVII. And be it enacted, that in every case in which the commissioners shall intend making such award, notice thereof shall be given in such manner as to them shall seem fit; and after the expiration of twenty-one days after such notice shall have been given the commissioners or some assistant commissioner shall, except in the cases for which provision is hereinafter made, proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale, and marketing, where such tithes have been taken in kind), of the tithes of the said parish, according to the average of seven years preceding *Christmas* in the year one thousand eight hundred and thirty-five: provided that

if during the said period of seven years, or any part thereof, the said tithes or any part thereof shall have been compounded for or demised to the owner or occupier of any of the said lands in consideration of any rent or payment instead of tithes, the amount of such composition or rent or sum agreed to be paid instead of tithes shall be taken as the clear value of the tithes included in such composition, demise, or agreement during the time for which the same shall have been made; and the commissioners or assistant commissioner shall award the average annual value of the said seven years so ascertained as the sum to be taken for calculating the rent charge to be paid as a permanent commutation of the said tithes: provided also, that whenever it shall appear to the commissioners that the party entitled to any such rent or composition shall in any one or more of the said seven years have allowed and made any abatement from the amount of such rent or composition on the ground of the same having in any such year or years been higher than the sum fairly payable by way of composition for the tithe, but not otherwise, then and in every such case such diminished amount, after making such abatement as aforesaid, shall be deemed and taken to have been the sum agreed to be paid for any such year or years: provided also, that in estimating the value of the said tithes the commissioners or assistant commissioner shall estimate the same without making any deduction therefrom on account of any parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable; and whenever the said tithes shall have been demised or compounded for on the principle of the rent or composition being paid free from all such rates, charges, and assessments, or any part thereof, the said commissioners or assistant commissioner shall have regard to that circumstance, and shall make such an addition on account thereof as shall be an equivalent.

Tithes to be valued without deduction on account of parochial and county rates, &c.

XXXVIII. Provided always, and be it enacted, that in case notice in writing under the hand of any patron, or the hands of any land owners or tithe owners whose interest in the lands or tithes of the parish shall not be less than one half of the lands subject to tithes, one half of the great tithes or one half of the small tithes of the parish, shall be given to the commissioners or assistant commissioner acting in that behalf, within one calendar month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent commutation of the great or small tithes of the said parish, the commissioners shall have power to diminish or increase the sum to be so taken by a sum amounting to not more than one-fifth part of the average value ascertained as aforesaid: provided always, that every case which shall appear to the commissioners to be fraudulent or collusive, or which, by reason of the length of time which shall have elapsed since the making of any composition then in force, or which by reason of the peculiar interest in the lands or tithes of either of the parties to any composition, or by reason of any other special circumstances, ought in the judgment of the commissioners to be separately adjudicated upon, shall be reserved for separate adjudication as hereinafter provided; and the commissioners

Commissioners in certain cases may increase or diminish the sum to be paid for commutation.

shall certify and report to one of his majesty's principal secretaries of state, under their hands and seals, before the first day of *May* in the year one thousand eight hundred and thirty-eight, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said report lay down such rules for the guidance of the assistant commissioners as may to them seem expedient; and such report shall be laid before parliament within six weeks after the same shall have been received or after the meeting of parliament, and, unless parliament shall otherwise provide, such rules shall be observed by the said commissioners and assistant commissioners in the exercise of the discretion hereby vested in the commissioners.

Special adjudications how to be made.

XXXIX. And be it enacted, that the commissioners shall from time to time report to one of his majesty's principal secretaries of state, under their hands and seals, all the cases which under the power hereinbefore reserved to them in that behalf shall have been reserved for separate adjudication, and shall state in every such report the reasons for so reserving every case mentioned therein, and the commissioners shall in every such case award the rent charge to be paid as a permanent commutation for tithes, having regard to the average rate which shall be awarded in respect of lands of the like description and similarly situated in the neighbouring parishes; provided always, that a draught of such intended award, with a copy of so much of the said report as is applicable to such award, shall be deposited in the parish; and the commissioners, or an assistant commissioner to be specially appointed by the commissioners for that purpose, shall hear and determine all objections to the award in the like manner as is herein provided in an ordinary case of award, and the commissioners shall have power thereupon to amend the draught of the said award accordingly.

How the tithe of hops, fruit, and garden produce is to be valued.

XL. And be it enacted, that in case any of the lands in the parish shall be hop grounds, orchards, or gardens, and notice shall be given by the owner thereof to the commissioners or assistant commissioner acting in that behalf that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof according to the average rate of composition for the tithes of hops, fruit, and garden produce respectively during seven years preceding *Christmas* in the year one thousand eight hundred and thirty-five, within a district to be assigned in each case by the commissioners or assistant commissioner, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

How the tithe of coppice wood is to be valued.

XLI. And be it enacted, that in case any of the lands in the parish shall be coppices, and notice shall be given by the owner thereof, or by the owner of the tithes thereof, to the commissioners or assistant commissioner acting in that behalf that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof with a due regard to the average value, estimated according to the best of their judgment, of coppice wood of the same kind cut during the said period of seven

years in that parish and the neighbouring parishes, estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the clear value of the tithes so estimated to the value of the other tithes of the parish ascertained as aforesaid; and the commissioners shall, in the report which they are hereinbefore required to make to one of his majesty's principal secretaries of state before the first day of *May* in the year one thousand eight hundred and thirty-eight, lay down rules for the guidance of the assistant commissioners in estimating the value of the tithes of coppice wood, and, unless parliament shall otherwise provide, such rules shall be observed by the said commissioners and assistant commissioners.

XLII. And be it enacted, that the amount which shall be charged by any such apportionment as hereinafter provided upon any hop grounds or market gardens in any district so to be assigned shall be distinguished into two parts, which shall be called the ordinary charge and the extraordinary charge, and the extraordinary charge shall be a rate *per* imperial acre, and so in proportion for less quantities of ground, according to the discretion of the valuers or commissioners or assistant commissioner by whom the apportionment shall be made as aforesaid; and all lands whereof the tithes shall have been commuted under this act, and which shall cease to be cultivated as hop grounds or market gardens at any time after such commutation, shall be charged after the thirty-first day of *December* next following such change of cultivation only with the ordinary charge upon such lands; and all lands in any such district the tithes whereof shall have been commuted under this act, and which shall be newly cultivated as hop grounds or market gardens at any time after such commutation, shall be charged with an additional amount of rent charge *per* imperial acre, equal to the extraordinary charge *per* acre upon hop grounds or market gardens respectively in that district; provided always, that no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year, of such new cultivation; and an additional rent charge by way of extraordinary charge upon hop grounds and market gardens, newly cultivated as such, beyond the limits of every district in which any extraordinary charge for hop grounds or market gardens respectively shall have been distinguished as aforesaid at the time of the commutation, shall be charged by the commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the commission of the said commissioners, and after the expiration of the commission shall be charged in such manner and by such authority as parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an extraordinary charge charged upon any hop grounds or market gardens at the time of commutation.

Provision for the change of culture of hop grounds and market gardens.

XLIII. And be it enacted, that in case any of the lands in the parish shall, during any part of the said period of seven years preceding *Christmas* in the year one thousand eight hundred and thirty-five, have been exempted from payment of tithes by reason of having

Provision for valuing tithes of lands to which the average of seven years cannot apply.

been inclosed under an act of parliament or converted from barren heath or waste ground, or by reason of being glebe lands or of having been heretofore parcel of the possessions of any privileged order, and notice shall have been given as last aforesaid to the commissioners or assistant commissioner acting in that behalf that the tithes thereof should be separately valued, the commissioners or assistant commissioner shall estimate the value of the tithes thereof according to the average value which shall be ascertained as aforesaid in respect of lands of the like description and quality in that parish and the neighbouring parishes, or as near thereto as the circumstances of each case may in their judgment require, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

Moduses, &c.
how to be
allowed for
in the award.

XLIV. And be it enacted, that if any modus or composition real, or prescriptive or customary payment, shall be payable instead of the tithes of any of the lands or produce thereof in the said parish, the commissioners or assistant commissioner shall in such case estimate the amount of such modus, composition, or payment as the value of the tithes payable in respect of such lands or produce respectively, and shall add the amount thereof to the value of the other tithes of the parish ascertained as aforesaid, and shall also make due allowance for all exemptions from or non-liability to tithes of any lands or any part of the produce of such lands: provided also, that if it shall appear to the said commissioners or assistant commissioner that any question concerning any modus or composition real, prescriptive or customary payment, or claim of exemption from or non-liability to the payment of tithes relating to the lands in question, shall have been decided by competent authority before the making of the said award, the commissioners or assistant commissioners shall act on the principle established by such decision, and shall make their award as if such decision had been made at the beginning of the said period of seven years.

Commissioners may hear and determine disputes;

XLV. And be it enacted, that if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability under any circumstances to the payment of any tithes in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making of any such award by the commissioners or assistant commissioner shall be hindered, it shall be lawful for the commissioners or assistant commissioner to appoint a time and place in or near the parish for hearing and determining the same; and the decision of the commissioners or assistant commissioner shall be final and conclusive on all persons, subject to the provisions hereinafter contained.

subject to
appeal by an
issue at law;

XLVI. Provided always, and be it enacted, that any person claiming to be interested in any lands or in the tithes thereof who shall be dissatisfied with any such decision of the commissioners or assistant commissioner may, if the yearly value of the payment to

be made or withholden according to such decision shall exceed the sum of twenty pounds, cause an action to be brought in any of his majesty's courts of law at *Westminster* against the person in whose favour such decision shall have been made, within three calendar months next after such decision shall have been notified in writing, in such manner as the commissioners or assistant commissioner shall direct, to the parties interested therein or to their known agents, in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term or at the assizes then next or next but one after such action shall have been commenced to be holden for the county within which such lands or the greater part thereof are situated, with liberty nevertheless for the court in which the same shall have been commenced or any judge of his majesty's courts of law at *Westminster* to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such court or judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance or accept such issue, then the same shall be settled under the direction of the court in which the action shall be brought, or by any judge of his majesty's courts of law at *Westminster*, and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attornies or counsel, at such time and place as any judge may order before trial, and also to the court and jury upon the trial of any such issue, all books, deeds, papers, and writings, terriers, maps, plans, and surveys relating to the matters in issue in their respective custody or power; and it shall be lawful for the judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the court upon a special case; and the verdict which shall be given in any such action, or the judgment of the court upon the case subject to which the same may be given, shall be final and binding upon all parties thereto, unless the court wherein such action shall be brought shall set aside such verdict and order a new trial to be had therein, which it shall be lawful for the said court to do, if it shall see fit: provided also, that in case any such decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said commissioners or assistant commissioner, at the request of the person dissatisfied, (such request to be made in writing within three calendar months after such decision, and at least fourteen days previous notice in writing of such request to be given in like manner to the other parties in difference or to their known agents), shall direct a case to be stated for the opinion of such one of his majesty's courts of law at *Westminster* as the commissioners or assistant commissioner shall think fit, which case shall be settled by them or him or under their or his direction in case the parties differ about the same, and may be set down for argument and be brought before the court in like manner

or by taking
the opinion
of a court of
law thereon.

as other cases are brought before the court; and the decision of such court upon every case so brought before it shall be binding upon all parties concerned therein: provided always, that after such verdict given and not set aside by the court, or after such decision of the court, the said commissioners or assistant commissioner shall be bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the court, and the like execution may be had for the same as if such costs had been recovered upon a judgment of record of the said court.

Proceedings
not to abate
by death of
parties.

XLVII. And be it enacted, that no proceeding of or before the commissioners or any assistant commissioner, or in any action, or in any case stated, or reference, in pursuance of this act, shall abate or cease by reason of the death of any person interested therein.

In case of
deaths of
parties be-
fore actions
brought, &c.
the same to
be carried on
and defended
in their
names.

XLVIII. And be it enacted, that if any person in whose favour any such decision of the commissioners or any assistant commissioner shall have been made shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated, against the person so dying, to bring or have the same, within the time so limited as aforesaid, nominally against such person as if living, and to serve the said commissioners or assistant commissioner with process and notices relating thereto in the same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such decision as aforesaid, or, in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof such person as may be nominated for that purpose by the commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case; and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action or the decision upon such case, as if such person had been living; and the costs of every such action or case shall be in the discretion of the court as aforesaid.

Statutes of
limitation
not to be
affected.

XLIX. Provided always, and be it enacted, that nothing in this act contained shall revive any right to tithes which now is or hereafter shall be barred by any law in force for shortening the time required in claims of *modus decimandi* or exemption from or discharge from tithes, or for the limitation of actions and suits relating to real property.

Commission-
ers to award
total sum to
be paid for
the tithes of
the parish.

L. And be it enacted, that as soon as all such suits and differences shall have been decided, or if there shall have been no suits or differences then as soon as the commissioners or assistant commissioner shall have ascertained and estimated as aforesaid the total value of all the tithes of the said parish, the commissioners or assistant commissioner shall frame the draft of an award, declaring that

the sum ascertained as aforesaid shall be the amount of the rent charge to be paid in respect of the tithes of the said parish, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial agreement or any schedule thereto; provided always, that no such award shall be made for giving land instead of the tithes of the parish.

LI. And be it enacted, that as soon as the said draft shall have been made by the commissioners or assistant commissioner they or he shall deposit a copy of the same, and of any special report thereunto annexed, at some convenient place within the said parish for the inspection of all persons interested in the said lands or tithes, and shall forthwith give notice in such manner as to the commissioners shall seem fit where the said copy may be inspected, and shall also in such notice appoint some convenient place and time (the first not earlier than twenty-one days from the first giving of such notice) for holding a meeting to hear objections to such intended award by any person interested therein; and the said commissioners or assistant commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended award, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or tithes or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said commissioners or assistant commissioner shall have heard and determined all such objections they or he shall amend the draft of such award accordingly, if they or he shall see occasion.

Commissioners may hear and determine objections to the award.

LII. And be it enacted, that as soon as the commissioners or assistant commissioner shall have made such amendments in the draft of the award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the office of the commissioners, and the commissioners shall satisfy themselves that all the proceedings incident to the making of such award have been duly performed, and if they shall think that the award ought to be confirmed shall confirm the same under their hands and seal, and shall add to the award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof in the parish, in such manner as to them shall seem fit; and every such confirmed award shall be binding on all persons interested in the said lands or tithes.

Award to be confirmed by the commissioners.

LIII. And be it enacted, that as soon as the commissioners shall have confirmed any such award, the commissioners or some assistant commissioner shall call a parochial meeting of the owners of land subject to tithes in the said parish, for the purpose of choosing valuers to apportion the amount so awarded among the lands of the parish, and shall give notice thereof in writing under their or his hand, to be fixed at least twenty-one days before such meeting on the principal outer door of the church or in some public and conspicuous place within the parish; and valuers or a single valuer may

Commissioners to summon a parochial meeting to appoint valuers.

be chosen at such meeting by the land owners then present in like manner, and the valuers so chosen shall act with the same powers and be subject to the same provisions, as if the rent charge so awarded had been agreed to at a parochial meeting of the land owners and tithe owners of the parish, and the valuers had been thereupon chosen as aforesaid.

If valuation
not complet-
ed in six
months com-
missioners to
apportion.

LIV. And be it enacted, that if upon the expiration of six calendar months after the day of the date of the confirmation of any agreement or award no valuer or valuers shall have been appointed, or the apportionment by such valuers or valuer shall not have been made and sent to the office of the commissioners as hereinafter provided, it shall be lawful for the commissioners or some assistant commissioner to apportion the rent charge previously agreed or awarded to be paid among the lands of the said parish, having regard to the average titheable produce and productive quality of the said lands, according to the discretion and judgment of the commissioners or assistant commissioner, but subject to the provisions hereinafter contained, and so that the several lands may have the full benefit in each case of every modus, composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable.

Form of ap-
portionment.

LV. And be it enacted, that a draught of every apportionment shall be made, and shall set forth the agreement or award, as the case may be, upon which such apportionment is founded, and every schedule thereunto annexed; and the said draught, or some schedule thereunto annexed, whether made by or under the direction of the valuers or commissioners or assistant commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several lands to be comprised in the apportionment, and shall set forth the names and description of the several proprietors and occupiers thereof, and whether the said several lands are then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, and shall refer, by a number set against the description of such lands, to a map or plan to be drawn on paper or parchment, and the same number shall be marked on the representation of such lands in the said map or plan; and the draught of the apportionment shall also state the amount charged upon the said several lands, and to whom and in what right the same shall be respectively payable.

Comptroller
of corn re-
turns to pub-
lish average
price of corn.

LVI. And be it enacted, that immediately after the passing of this act, and also in the month of *January* in every year, the comptroller of corn returns for the time being, or such other person as may from time to time be in that behalf authorized by the privy council, shall cause an advertisement to be inserted in the *London Gazette*, stating what has been, during seven years ending on the *Thursday* next before *Christmas Day* then next preceding, the average price of an imperial bushel of *British* wheat, barley, and oats, computed from the weekly averages of the corn returns.

Rent charges
to be valued
according to

LVII. And be it enacted, that every rent charge charged upon any lands by any such intended apportionment shall be deemed at

the time of the confirmation of such apportionment, as hereinafter provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of wheat, barley, and oats, as the same would have purchased at the prices so ascertained by the advertisement to be published immediately after the passing of this act, in case one-third part of such rent charge had been invested in the purchase of wheat, one-third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats, and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the draft of every apportionment.

LVIII. And be it enacted, that it shall be lawful for the valuers or commissioners or any assistant commissioner, upon the request of any land owner, at any time before the confirmation of the apportionment, to apportion the whole rent charge intended to be charged upon any lands of such land owner held under the same title and for the same estate, in the same parish, specially upon the several closes or portions of such lands or according to an acreable rate or acreable rates, upon lands of different quality, in such manner and in such proportion, and to the exclusion of such of them, as the land owner, with the consent of the person entitled to such rent charge, may direct, and the particulars of every such special apportionment shall be included in the draught of the apportionment and taken to be a part thereof: provided always, that the extra expenses of every such special apportionment shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the apportionment are recoverable, and that no close of land shall be charged with any rent charge or share of rent charge on account of the tithes of any other lands, unless the value of such lands shall be at least three times the value of the whole rent charge upon such lands.

LIX. And be it enacted, that for the purpose of making any such apportionment, as well as for the purpose of making any award as hereinbefore provided, the commissioners and assistant commissioners may employ such land surveyors and tithe valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping, and planning after any rate not exceeding two guineas to every such person for every day that he shall have been so employed, and may assess the same as part of the expenses of making their award or apportionment respectively; and the said commissioners and assistant commissioners, and the land surveyors and tithe valuers employed by them respectively, shall have all the powers and be subject to all the provisions hereinbefore enacted concerning the valuers appointed at a parochial meeting, except that they shall not be bound to adopt any principles of apportionment agreed to at any parochial meeting: provided always, that it shall be lawful for such commissioners and assistant commissioners to make any agreement with any such land surveyors or tithe valuers for the payment to the same of one sum for the whole duty or any part thereof to be performed by them respectively.

LX. And be it enacted, that the draught of every apportionment, whether made by or under the direction of the commissioners or any assistant commissioner, or by any valuer or valuers appointed as

the average price of corn.

Rent charge may be specially apportioned.

Commissioners may employ surveyors.

Commissioners to have the power of valuers as to entry in lands, &c.

Apportionment to be signed by the person making it, and

sent with the
plan to the
commission-
ers.

hereinbefore is provided, shall be signed by the person by or under whose direction it shall have been made, and shall be sent, together with the map or plan therein referred to, by the person by whom it is signed to the office of the commissioners, or otherwise to some assistant commissioner, as the commissioners may direct, with such proof as the commissioners may require that every proceeding incident to the making of such draught of apportionment has been duly performed,

Commission-
ers may hear
and deter-
mine objec-
tions to ap-
portionment.

LXI. And be it enacted, that as soon as the draught of any such apportionment, verified as aforesaid, shall have been sent to the commissioners, they shall cause a copy of the same to be deposited at some convenient place within the said parish for the inspection of all persons interested in the said lands or tithes, and shall forthwith cause notice to be given, in such manner as to them shall seem fit, where the said copy may be inspected, and shall also in such notice appoint some convenient place and such times as they shall think necessary (the first not earlier than twenty-one days from the first giving of such notice), for holding a meeting to hear objections to the intended apportionment by any person interested therein, and the said commissioners or some assistant commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended apportionment, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said commissioners or assistant commissioner shall have heard and determined all such objections, they and he are and is hereby required to cause such apportionment to be amended accordingly, if they or he shall see occasion.

Owners of
lands charge-
able with
rent charge
may give
land instead
thereof.

LXII. And be it enacted, that it shall be lawful for the owner of any lands chargeable with any such rent charge to agree, at any time before the confirmation of any such instrument of apportionment, with any ecclesiastical person being the owner of the tithes thereof in right of any spiritual benefice or dignity, for giving land instead of the rent charge charged or about to be charged upon his lands; and every such agreement shall be made under the hands and seals of the land owner and tithe owner, and shall contain all the particulars hereinbefore required to be inserted in a parochial agreement for giving land instead of tithes or rent charge: provided always, that no such tithe owner shall be enabled to take or hold more than twenty imperial acres of land in the whole by virtue of any such agreement or agreements made in the same parish; and the same consent and confirmation relatively to the lands and tithes comprised in the said agreement shall be necessary to any such agreement as in the case of a parochial agreement for giving land instead of tithes; and all the provisions hereinbefore contained concerning a parochial agreement for giving land shall be applicable to every such agreement as hereinbefore last mentioned, so far as

concerns the lands and tithes comprised in the said agreement: provided also, that any amendment which shall be made in the draft of apportionment before confirmation thereof, and subsequent to any such agreement for giving land instead of rent charge, whereby the charge upon the lands referred to in such agreement shall be altered, shall be taken to annul the execution of such agreement for giving land, and any consent which may have been necessary thereunto.

LXIII. And be it enacted, that after such proceedings as aforesaid shall have been had, and all such objections, if any, shall have been finally disposed of, the commissioners or assistant commissioner shall cause the instrument of apportionment to be engrossed on parchment, and shall annex the map or plan thereunto belonging to the engrossed instrument of apportionment, and shall sign the instrument of apportionment, and the map or plan, and shall send both to the office of the commissioners, and if the commissioners shall approve the apportionment, they shall confirm the instrument of apportionment under their hands and seal, and shall add thereunto the date of such confirmation.

Confirmation
by the com-
missioners.

LXIV. And be it enacted, that two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving land instead of any tithes or rent charge, shall be made and sealed with the seal of the said commissioners, and one such copy shall be deposited in the registry of the diocese within which the parish is situated, to be there kept among the records of the said registry, and the other copy shall be deposited with the incumbent and church or chapel wardens of the parish for the time being, or such other fit persons as the commissioners shall approve, to be kept by them and their successors in office with the public books, writings, and papers of the parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy on giving reasonable notice to the person having custody of the same, and on payment of two shillings and sixpence for such inspection, and after the rate of three-pence for every seventy-two words contained in such copy or extract; and every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.

Transcripts
of the award
to be sent to
the registrar
of the diocese
and to the
incumbent
and church-
wardens.

LXV. And be it enacted, that the commissioners, if they shall see fit, before confirming any agreement, award, or apportionment, may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion, or expectancy of an estate of inheritance in any lands or tithes, or any other person to whom they may think notice ought to be given, and may by themselves or by some assistant commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any award or apportionment to be amended accordingly.

Commission-
ers may re-
quire notice
of agree-
ments or
awards to be
given to re-
versioner.

LXVI. And be it enacted, that no confirmed agreement, award, or apportionment shall be impeached after the confirmation thereof by reason of any mistake or informality therein or in any proceeding relating thereunto.

Confirmed
agreements,
&c. not to be
questioned.

Lands to be discharged from tithes, and rent charge paid in lieu thereof.

LXVII. And be it enacted, that from the first day of *January* next following the confirmation of every such apportionment the lands of the said parish shall be absolutely discharged from the payment of all tithes, except so far as relates to the liability of any tenant at rack rent dissenting as hereinafter provided, and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of wheat, barley, and oats respectively mentioned therein to be payable instead of the said tithes, in the nature of a rent charge issuing out of the lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the first day of *July* and the first day of *January* in every year, the first payment, except in the case of barren reclaimed lands, as hereinafter provided, being on the first day of *July* next after the lands shall have been discharged from tithes as aforesaid, and such rent charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned: and after every first day of *January* the sum of money thenceforth payable in respect of such rent charge shall vary so as always to consist of the price of the same number of bushels and decimal parts of a bushel of wheat, barley, and oats respectively, according to the prices ascertained by the then next preceding advertisement, and any person entitled from time to time to any such varied rent charge shall have the same powers for enforcing payment thereof as are herein contained concerning the original rent charge: provided always, that nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such rent charge: provided always, that the rent charge which shall be apportioned upon any lands in the said parish which during any part of the said period of seven years preceding *Christmas* one thousand eight hundred and thirty-five were exempted from tithes by reason of having been inclosed under any act of parliament, or converted from barren heath or waste ground, shall be payable for the first time on the first day of *July* or first day of *January* next following the confirmation of the apportionment which shall be nearest to the time at which tithes were or would have become payable for the first time in respect of the said lands if no commutation thereof had taken place.

Payment of rent charge on reclaimed lands to be postponed until tithes would have been due.

Lands to be free from tithes when lands are given in lieu thereof.

LXVIII. And be it enacted, that from the first day of *January* next following the confirmation of every parochial or other agreement for giving land instead of any tithes or rent charge, the lands of the parish in which any such agreement shall be made shall be absolutely discharged from the payment of the tithes or rent charge for which it shall have been agreed that such land shall be given.

Rent charge to be liable to rates, &c.

LXIX. And be it enacted, that every rent charge payable as aforesaid instead of tithes shall be subject to all parliamentary, parochial, and county and other rates, charges, and assessments, in like manner as the tithes commuted for such rent charge have heretofore been subject.

How rates and charges are to be recovered.

LXX. And be it enacted, that all rates and charges to which any such rent charge is liable shall be assessed upon the occupier of the

lands out of which such rent charge shall issue, and in case the same shall not be sooner paid by the owner of the rent charge for the time being may be recovered from such occupier in like manner as any poor rate assessed on him in respect of such lands; and any occupier holding such lands under any landlord and who shall have paid any such rate or charge in respect of any such rent charge shall be entitled to deduct the amount thereof from the rent next payable by him to his landlord for the time being, and shall be allowed the same in account with his landlord; and any landlord or owner in possession who shall have paid any such rate or charge, or from whose rent the amount of any such rate or charge in respect of any such rent charge shall have been so deducted, or who shall have allowed the same in account with any tenant paying the same, shall be entitled to deduct the amount thereof from the rent charge, or by all other lawful ways and means to recover the same from the owner of the rent charge, his executors and administrators; provided that the owner of every such rent charge shall have and be entitled to the like right of demanding, inspecting, and taking copies of every assessment containing such rate or charge, and of appeal against the same, and the like power of prosecuting such appeal, and the like remedies in respect thereof, as any occupier or rate payer has or may have in the case of poor rates, although such rate or charge is herein made assessable upon the occupier, and the owner of the rent charge is not mentioned by name in such assessment.

LXXI. And be it enacted, that any person having any interest in or claim to any tithes, or to any charge or incumbrance upon any tithes, before the passing of this act, shall have the same right to or claim upon the rent charge for which the same shall be commuted as he had to or upon the tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the rent charge had accrued after the commutation; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this act was invalid or could not be enforced; and every estate for life, or other greater estate, in any such rent charge, shall be taken to be an estate of freehold; and every estate in any such rent charge shall be subject to the same liabilities and incidents as the like estate in the tithes commuted for such rent charge; and where any lands were exempted from tithe whilst in the occupation of the owner thereof by reason of being glebe or of having been heretofore parcel of the possessions of any privileged order, the same lands shall be in like manner exempted from the payment of the rent charge apportioned on them whilst in the occupation of the owner thereof; and where by virtue of any act or acts of parliament heretofore passed any tithes are authorized to be sold, exchanged, appropriated, or applied in any way, the rent charges for which such tithes may be commuted under the provisions of this act, or any part thereof, shall or may be saleable or exchangeable, appropriated and applied, to all intents and purposes, in like manner as such tithes, and the same powers of sale, exchange, and appropriation shall in all such cases extend to and may be exercised in respect of the said commutation rent charges: and the money to arise by the sale of such rent charges

Rent charge
to be subject
to the same
incum-
brances and
incidents as
tithe before
this act.

shall or may be invested, appropriated, and applied to the same purposes and in like manner as the money to arise by the sale of any such tithes might have been invested, appropriated, and applied under such particular act or acts in case this act had not been passed ; and no such rent charge shall merge or be extinguished in any estate of which the person for the time being entitled to such rent charge may be seized or possessed in the lands on which the same shall be charged : provided always, that it shall be lawful for any person seized in possession of an estate in fee simple or fee tail of any tithes or rent charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the said commissioners shall approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands on which the same shall have been charged.

Proviso.

Apportionment may be altered by commissioners of land tax, if desired.

LXXII. And be it enacted, that if at any time subsequent to the confirmation of any such instrument of apportionment the owner of any lands charged with any such rent charge shall be desirous that the apportionment thereof shall be altered, it shall be lawful for the commissioners of land tax for the county or place where the said lands are situate, or any three of them, to alter the apportionment in such manner and in such proportion and to the exclusion of such of the lands as the land owner, with the consent of two justices of the peace acting for the county, riding, division, or other jurisdiction in which the lands are situated, may direct ; and such altered apportionment shall be made by an instrument in writing under the hands and seals of the said commissioners of land tax and of the said land owner and justices, of the like form and tenor as to the said lands as the original apportionment, and bearing date the day of its execution by the said commissioners of land tax, subject to the provision hereinbefore contained with respect to the value of lands on which any rent charge may be charged on account of the tithes of any other lands ; and every such altered apportionment shall be as valid as if made and confirmed by the tithe commissioners as aforesaid, and shall be taken to be an amendment of the original apportionment ; and in every such case two counterparts of the instrument of altered apportionment, under the hands and seals of the said commissioners of land tax and justices and land owner, shall be sent, one to the registrar of the diocese, and one to the incumbent and church or chapel wardens, or other person having the custody of the other copy of the original instrument of apportionment ; and one counterpart shall be annexed to the copy of the instrument of apportionment in the custody of the registrar and such other person respectively, and taken to be an amendment thereof ; and thenceforward such lands shall be charged only according to such altered apportionment ; and all expenses of such alteration shall be borne by the land owner desiring the same.

Expenses of witnesses to be paid under the direction of the commissioners.

LXXIII. And be it enacted, that the commissioners or assistant commissioner, in any case where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, contracts, agreements, accounts, or writings, terriers, maps, plans, and surveys, or copies thereof, and all other expenses (except

the salary or allowance to any commissioner or assistant commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any award or apportionment before the said commissioners or any assistant commissioner, to be paid by such parties interested in the production thereof respectively or in the event of such suit, difference, or objection, and in such proportions, as the commissioners or assistant commissioner shall think fit and reasonable.

LXXIV. And be it enacted, the allowances to and expenses of land surveyors and tithe valuers necessary for making any award, and all other expenses of or incident to making the said award, except the salary or allowance to any commissioner or assistant commissioner, and except any expenses which the commissioners or any assistant commissioner, or any court or arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the land owners and tithe owners interested in the said award, in such proportion, time, and manner as the commissioners or assistant commissioner shall direct.

Expenses of award to be paid by the land owners and tithe owners as the commissioners may direct.

LXXV. And be it enacted, that all the expenses of or incident to making any apportionment (except the salary or allowance to any commissioner or assistant commissioner, and except any expense which the commissioners or assistant commissioner may be authorized and may have ordered to be otherwise paid), shall be borne and paid by the owners of lands included in the apportionment in rateable proportion to the sum charged on the said lands in lieu of tithes by such apportionment.

Expenses of apportionment to be borne rateably by the land owners.

LXXVI. And be it enacted, that if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be lawful for the commissioners or some assistant commissioner to certify under their or his hand the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two justices of the peace for the county or other jurisdiction wherein the lands mentioned in the agreement or award or apportionment are situate, such justices, upon the nonpayment thereof, are hereby required, by warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any), after deducting the charges of the distress and sale, to the person distrained upon.

Expenses may be recovered by warrant of distress.

LXXVII. And be it enacted, that every owner of an estate in land or tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the commissioners, and in such manner as they may direct, charge so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and the interest thereon after the rate of four pounds by the hundred, upon the lands whereof the tithes are commuted, or upon the rent charge to be received by him instead of such tithes respectively, but so nevertheless that the charge upon such lands or rent charge respectively shall be lessened in every year following such commutation by one twentieth part at least of the whole original charge thereon.

Owners of particular estates may charge the costs on the estate for twenty years.

Costs of ecclesiastical tithe owners may be charged on the benefice for twenty years.

LXXVIII. And be it enacted, that every ecclesiastical beneficed person who shall commute the tithes of his benefice under this act may advance or borrow the sum necessary to defray so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and as a security for repayment may charge or assign the rent charge to be received instead of such tithes for twenty years, or until the principal sum advanced or borrowed, and the interest thereon after the rate of four pounds by the hundred, and the expenses of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within one calendar month next following, and also an instalment at the rate of five pounds for every hundred pounds of the principal sum advanced or borrowed, and in default of such payment the ordinary may sequester the profits of the benefice until such payments shall be made, provided that the sum to be so advanced or borrowed shall be ascertained and certified under the hand of any commissioner or assistant commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such ecclesiastical beneficed person in relation to such commutation.

If tenant of lands at rack rent dissent from paying the rent charge, the landlord may take the tithes during the tenancy.

LXXIX. And be it enacted, that any tenant or occupier who at the time of such commutation shall occupy at rack rent any lands of which the tithes shall be so commuted may, within one calendar month next after the confirmation of the apportionment by the commissioners, signify, by writing under his hand given to or left at the usual residence of his landlord or his agent, his dissent from being bound to pay any rent charge apportioned and charged on the said lands as aforesaid, and in that case such landlord shall be entitled, from the time when the said apportionment shall take effect, and during the tenancy or occupation of such tenant or occupier, to stand, as to the perception and collection of tithes, or receipt of any composition instead thereof, in the place of the owner of the tithes so commuted, and to have all the powers and remedies for enforcing render and payment of such tithes or composition which the tithe owner would have had if the commutation had not taken place.

Tenant paying rent charge to be allowed the same in account with his landlord.

LXXX. And be it enacted, that any tenant or occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such rent charge as aforesaid, or who shall hold his lands under a lease or agreement providing that the same shall be holden and enjoyed by him free of tithes, and every tenant or occupier who shall occupy any lands by any lease or agreement made subsequently to such commutation, and who shall pay any such rent charge, shall be entitled to deduct the amount thereof from the rent payable by him to his landlord, and shall be allowed the same in account with the said landlord.

When rent charge is in arrear for twenty-one days after half-yearly days of payment, the

LXXXI. And be it enacted, that in case the said rent charge shall at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days' notice in writing at the usual or last known residence of the tenant

in possession, to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said rent charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any landlord may for arrears of rent reserved on a common lease for years; provided that not more than two years' arrears shall at any time be recoverable by distress.

LXXXII. And be it enacted, that in case the said rent charge shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any judge of his majesty's courts of record at *Westminster*, upon affidavit of the facts, to order a writ to be issued, directed to the sheriff of the county in which the lands chargeable with the rent charge are situated, requiring the said sheriff to summon a jury to assess the arrears of rent charge remaining unpaid, and to return the inquisition thereupon taken to some one of his majesty's courts of law at *Westminster*, on a day therein to be named, either in term time or vacation; a copy of which writ, and notice of the time and place of executing the same, shall be given to the owner of the land, or left at his last known place of abode, or with his known agent, ten days previous to the execution thereof; and the sheriff is hereby required to execute such writ according to the exigency thereof; and the costs of such inquisition shall be taxed by the proper officer of the court; and thereupon the owner of the rent charge may sue out a writ of *habere facias possessionem*, directed to the sheriff, commanding him to cause the owner of the rent charge to have possession of the lands chargeable therewith until the arrears of rent charge found to be due, and the said costs, and also the costs of such writ and of executing the same, and of cultivating and keeping possession of the lands, shall be fully satisfied: provided always, that not more than two year's arrears over and above the time of such possession shall be at any time recoverable.

LXXXIII. And be it enacted, that it shall be lawful for the court out of which such writ shall have issued, or any judge at chambers, to order the owner of the rent charge who shall be in possession by virtue of such writ from time to time to render an account of the rents and produce of the lands and of the receipts and payments in respect of the same, and to pay over the surplus (if any) to the person for the time being entitled thereunto, after satisfaction of such arrears of rent charge and all costs and expenses as aforesaid, and thereupon to order a writ of *supersedeas* to issue to the said writ of *habere facias possessionem*, and also by rule or order of such court or judge from time to time to give such summary relief to the parties as to the said court or judge shall seem fit.

LXXXIV. Provided always, and be it enacted, that in all cases in which it shall be necessary to make any distress under this act in respect of any lands in the possession of any person of the persuasion of the people called *Quakers*, the same may be made upon the goods, chattels, or effects of such person, whether on the premises or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises; and that in all cases of distress under this act upon persons of that persuasion

person entitled thereto may distrain.

When rent charges are in arrear for forty days after half-yearly days of payment, and no sufficient distress on the premises, writ to be issued directing sheriff to summon jury to assess arrears.

Account how to be rendered.

For recovery of rent charges from Quakers.

the goods, chattels, or effects which may be distrained shall be sold without its being necessary to impound or keep the same: provided always, that no writ under the provision hereinbefore contained shall be issued for assessing or recovering any rent charge payable under this act in respect of any lands in the possession of any person of the persuasion aforesaid, unless the same shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, without the person entitled thereto being able to find goods, chattels, or effects, either on the premises or elsewhere liable to be distrained as aforesaid sufficient to satisfy the arrears to which such lands are liable, together with the reasonable costs of such distress.

Powers of distress and entry to extend to all lands within the parish occupied by the owner or under the same landlord or holding.

LXXXV. And be enacted, that whenever any rent charge payable under the provisions of this act shall be in arrear, notwithstanding any apportionment which may have been made of any such rent charge, every part of the land situate in the parish in which such rent charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the lands on which such rent charge so in arrear shall have been charged, whether such land shall be occupied by the person occupying the same as the owner thereof, or as tenant thereof, holding under the same landlord under whom he occupies the land on which such rent charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such rent charge, whether chargeable on the lands on which such distress is taken or such entry made, or upon any other part of the lands so occupied or holden: provided always, that no land shall be liable to be distrained or entered upon for the purpose of satisfying any such rent charge charged upon lands which shall have been washed away by the sea, or otherwise destroyed by any natural casualty.

4 & 5 W. 4, c. 22, to extend to rent charges under this act.

LXXXVI. And be it enacted, that the several provisions of an act passed in the fourth and fifth years of his present majesty, intituled *an act to amend an act of the eleventh year of king George the second, respecting the apportionment of rents, annuities, and other periodical payments*, shall extend to all rent charges payable under this act.

Provision for the sale of buildings and the sites thereof rendered useless or unnecessary by the commutation of tithes.

LXXXVII. And be it enacted, that if any barns or buildings belonging to any tithe owner having a limited estate or interest therein, which shall have been generally used for the housing of tithes paid in kind, shall be rendered in the whole or in part useless by reason of any commutation of tithes under this act, it shall be lawful for every such tithe owner (with the consent, nevertheless, of the commissioners, and subject to such directions as they may give, to be signified under their hands and seal), to pull down any such barns or buildings or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings or homesteads thereunto belonging, in such manner as the commissioners may direct; and upon payment of the consideration money it shall be lawful for every such tithe owner (with such consent as aforesaid) to convey and deliver the premises sold as afore-

said to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct; and the consideration money in each case shall be paid to such tithe owner, and his receipt shall be a good discharge to the purchaser; and such tithe owner shall lay out and invest the consideration money in such manner and for such trusts as the commissioners shall direct for the benefit of the persons entitled to the said rent charge.

LXXXVIII. And be it enacted, that it shall be lawful for the lessee being in occupation of any tithes commuted under this act, by an instrument in writing under his hand and seal, to be made in such form as the commissioners shall direct, and confirmed under their seal, to surrender and make void the lease by which the said tithes are held or enjoyed by such lessee at the time of the commutation, so far as the same may relate to the said tithes; and it shall be lawful for the commissioners, by the same instrument, to direct what compensation (if any) shall be given by the immediate lessor of any lessee at rack rent so surrendering any lease of any such tithes to such lessee, and what allowance (if any) shall be made by any lessee to his immediate lessor of any such surrendered lease, in consideration of the non-fulfilment of any conditions contained in such lease, and what deduction (if any) shall be made from the rent thenceforth payable by any lessee to his immediate lessor in respect of other hereditaments which may have been included with the said tithes in any such lease: provided always, that any intermediate lessor to whom any such lease shall have been surrendered shall as regards his immediate lessor be taken to be the lessee in occupation of the tithes included in the said lease.

Leases of
tithes may be
surrendered.

LXXXIX. And be it enacted, that nothing in this act contained shall affect any right to any tithes which shall have become due before the commutation.

What tithes
not to be
affected.

XC. And be it enacted, that nothing in this act contained, unless by special provision to be inserted in some parochial agreement and specially approved by the commissioners, in which case the same shall be valid, shall extend to any *Easter* offerings, mortuaries, or surplice fees, or to the tithes of fish or of fishing, or to any personal tithes other than the tithes of mills, or any mineral tithes, or to any payment instead of tithes arising or growing due within the city of *London*, or to any permanent rent charge or other rent or payment in lieu of tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private act of parliament, or to any lands or tenements the tithes whereof shall have been already perpetually commuted or extinguished under any act of parliament heretofore made.

Act not to
extend to
Easter offer-
ings, &c. or
to payments
instead of
tithes in
London, &c.

XCI. And be it enacted, that no advertisement inserted by direction of the commissioners or any assistant commissioner, or by any tithe owner or land owner, in the *London Gazette*, or in any newspaper, for the purpose of carrying into effect any provision of this act, and no agreement, award, or power of attorney made or confirmed or used under this act, shall be chargeable with any stamp duty.

Advertise-
ments, con-
tracts, and
awards not to
be liable to
stamp duty.

XCII. And be it enacted, that the said commissioners may receive and send by the general post from and to places in *England* and

Correspond-
ence of com-
missioners

relating to
this act to be
free of post-
age.

Wales all letters and packets relating exclusively to the execution of this act free from the duty of postage, provided that such letters and packets as shall be sent to the said commissioners be directed to the "Tithe Commissioners for *England* and *Wales*," at their office in *London*, and that all such letters and packets as shall be sent by the said commissioners shall be in covers, with the words "Tithe Commissioners for *England* and *Wales*" printed on the same, and be signed on the outside thereof under such words with the name of such person in his own handwriting as the said commissioners, with the consent of the lords commissioners of the treasury or any three or more of them, shall appoint, (such name to be from time to time sent to the secretary of the general post office in *London*), and be sealed with the seal of the said commissioners, and under such other regulations as the said lords commissioners or any three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate exclusively to the execution of this act, or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any letter, paper, or writing, or any enclosure, other than shall relate exclusively to the execution of this act, every person so offending shall forfeit and pay the sum of one hundred pounds and be dismissed from his office, one moiety of such penalty shall be paid to the use of his majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of his majesty's courts of record in *Westminster*.

False evi-
dence to be
deemed per-
jury; with-
holding evi-
dence a mis-
demeanor.

XCIII. And be it enacted, that if any person under the provisions of this act shall wilfully give false evidence he shall be deemed guilty of perjury; and if any person shall make or subscribe a false affidavit or declaration for the purposes of this act he shall suffer the penalties of perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any book, deed, contract, agreement, account, or writing, terrier, map, plan, or survey, or any copy of the same, which may be lawfully required to be produced before the said commissioners or assistant commissioner, he shall be deemed guilty of a misdemeanor.

Limitation
of actions
against com-
missioners,
assistant
commission-
ers, justices,
&c.

XCIV. And be it enacted, that no action or suit shall be commenced against any commissioner, assistant commissioner, justice of the peace, valuer, umpire, or surveyor, for any thing done under the authority of this act, until twenty-one days' notice thereof shall have been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after three calendar months shall have expired from the commission of the act for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was

brought before twenty-one days' notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expenses as between attorney and client.

XCV. And be it enacted, that no order, adjudication, or proceeding made or had by or before the commissioners or any assistant commissioner under the authority of this act, or any proceeding to be had touching any offender against this act, shall be quashed for want of form, or be removed or removeable by *certiorari* or any other writ or process, into any of his majesty's courts of record at *Westminster* or elsewhere.

Proceedings not to be quashed for want of form, nor to be removed by *certiorari*.

XCVI. And be it enacted, that this act shall extend only to *England* and *Wales*.

Limits of act.

XCVII. And be it further enacted, that this act may be amended, altered, or repealed by any act or acts to be passed in this present session of parliament.

Act may be altered this session.

1 VICTORIA, CAP. 69.—*An act to amend an act for the commutation of tithes in England and Wales*.—Whereas an act was passed in the seventh year of the reign of his late majesty king *William* the fourth, intituled *an act for the commutation of tithes in England and Wales*; and it is expedient to amend the said act in certain respects: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the tithe commissioners for *England* and *Wales* shall have power, if they shall think fit, to confirm under their hands and seal any instrument of voluntary apportionment, and also any agreement for giving land instead of tithes, made according to the provisions of the said act, to which shall be annexed a map or plan agreed to be adopted by a parochial meeting, although they shall not be satisfied of the accuracy of such map or plan, or that the several quantities of land specified in such apportionment or agreement are therein truly stated; but no recital of quantity or admeasurement of land, nor any map or plan annexed to any such confirmed apportionment or agreement, nor any copy thereof, shall be deemed evidence of the quantity of land referred to therein or of the accuracy of such map or plan, unless the said map or plan, as well as the instrument of apportionment or agreement, shall be signed by the commissioners and sealed with their official seal: provided always, that the commissioners, in case they shall confirm such voluntary apportionment or agreement, but shall not think proper to seal such map or plan, shall certify under their hands upon some part of such map or

6 & 7 W. 4, c. 71.

Apportionments and agreements may be confirmed, although the commissioners are not satisfied of the accuracy of the maps.

plan that the same is the map or plan referred to in such voluntary apportionment or agreement, as the case may be, which certificate shall be received as evidence of that fact.

For determining parochial boundaries.

II. And be it enacted, that two-thirds in value of the owners of the lands in any parish or district of which the tithes are to be commuted, and respecting the boundaries of which any dispute or doubt shall arise, may, by writing under their hands or the hands of their agents, signed at a parochial meeting called for that purpose according to the provisions of the said act in the case of a parochial meeting for making a voluntary agreement for the commutation of the tithes of a parish, signify their request to the tithe commissioners that the said commissioners should inquire into and settle such boundaries; and thereupon the said commissioners, or any assistant commissioner specially appointed under their hands and seal for that purpose, shall, by examination of witnesses upon oath (which oath the said commissioners or assistant commissioner are and is hereby empowered to administer), and also using any other powers contained in the said act, and by such other legal ways and means as they or he shall think proper, inquire into, ascertain, and set out the boundaries of that parish or district: provided always, that such commissioners or assistant commissioner (before they or he proceed to set out the boundaries of such parish or district) shall give public notice of their or his intention, by writing under their or his hands or hand, to be affixed on the most public doors of the churches of that parish or district, and of every parish and district thereunto adjoining, and also by advertisement to be inserted in some newspaper circulated in the county in which such parish or district is situated, and also by writing to be delivered to or left ten days at least before the time of setting out such boundaries at the last or usual place of abode of the respective land owners, or the respective agents of such land owners, through or abutting upon whose lands the boundaries of such parish or district are supposed to pass; and such commissioners or assistant commissioner shall, within one month after ascertaining and setting out the boundaries, publish the same by causing a description thereof in writing to be delivered to or left at the place of abode of one of the churchwardens or overseers of the poor of the parish or district of which the boundary shall be so set out, and of every parish or district thereunto adjoining, and also of every land owner or his agent through or abutting upon whose lands the boundary so set out shall pass.

Judgment of commissioners respecting boundaries may be removed by certiorari.

III. And be it enacted, that any person interested in the judgment or determination of the said commissioners or assistant commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may, within six calendar months next after the publication of the said boundaries, by delivering or leaving such description as aforesaid, move the court of queen's bench to remove the said judgment by *certiorari* into the said court, the party making such application giving eight days' notice of such application, and of the matter and ground thereof, in writing, to the said commissioners; and the decision of the said commissioners or assistant commissioner, or, in case of removal as aforesaid, the decision of the said court therein, shall be final and conclusive, as to the boundaries of such

parish or district, for all purposes whatsoever; and after the expiration of the said term of six calendar months the judgment shall not be removed or removeable by *certiorari*, or any other writ or process whatsoever, into any of her majesty's courts of record at *Westminster* or elsewhere; and no *certiorari* shall be allowed to remove any such judgment unless the party prosecuting the *certiorari* shall before allowance thereof enter into a recognizance before one of the justices of the said court, in the sum of fifty pounds, with condition to prosecute the same without wilful delay, and to pay to the said commissioners their full costs and charges within one calendar month after the judgment shall be confirmed, to be taxed according to the custom of the court.

IV. And be it enacted, that it shall not be necessary to state in any instrument of apportionment the several quantities of wheat, barley, and oats charged upon the estate of any land owner, or upon any portion of such estate included in such apportionment; provided that the whole sum agreed or awarded to be paid by way of rent charge instead of the tithes of the whole parish or district be therein stated, and the whole number of bushels of wheat, barley, and oats ascertained to be the fixed quantity of corn of which the variable value is to be paid in money by way of rent charge, and also the several sums of money which were at the time of the confirmation of the apportionment of equal value with the quantities of wheat, barley, and oats apportioned on each estate or each separate portion thereof, according to the provisions of the said act, be also stated therein.

The apportionment need not contain the several amounts of corn charged on each estate.

V. And be it enacted, that it shall not be necessary to state in any instrument of voluntary apportionment made in consequence of a parochial agreement, whether the several lands are then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, nor to state the amount charged on the several closes of every individual land owner, if three-fourths of the land owners interested in the said apportionment shall by some writing under their hands request the commissioners to direct that such statements be omitted.

In what case particulars of land need not be stated in instruments of voluntary apportionments.

VI. And be it enacted, that it shall not be necessary for the commissioners to send a copy of any draft of voluntary apportionment made in consequence of a parochial agreement for the inspection of any parties, nor to hold any meeting to hear any objection thereto, when one land owner shall be seized, either in fee simple or fee tail, of the whole of the lands that are not glebe lands in such parish.

When only one land owner interested.

VII. And be it enacted, that the prices at which the conversion from money into corn is to be made, at the time of the confirmation of each apportionment, according to the provisions of the said act, are seven shillings and one farthing for a bushel of wheat, three shillings and eleven-pence half-penny for a bushel of barley, and two shillings and nine-pence for a bushel of oats.

Prices at which conversion from money into corn is to be made.

VIII. And be it enacted, that all rates and charges to which any rent charge payable in lieu of tithes shall be liable may be assessed upon the owner of the rent charge, and the whole or any part thereof may be recovered from any one or more of the occupiers of the lands

For the assessment and recovery of rates.

out of which such rent charge shall issue, in case the same shall not be sooner paid by the owner of the rent charge upon whom the same shall be assessed, in like manner as any poor rate assessed on such occupier or occupiers in respect of such lands may be recovered, upon giving to such occupier twenty-one days' notice in writing previous to any one of the half-yearly days of payment of the rent charge, and the collector's receipt for the payment of such rates and charges, or of any part thereof, shall be received in satisfaction of so much of the rent charge by the owner thereof; but no occupier shall be liable to pay at any one time, in respect of such rates and charges, any greater sum than the rent charge payable in respect of the lands occupied by him in the same parish shall amount to for the current half-year in which such notice shall have been given.

For determining the landschargeable with rent charge.

IX. And be it enacted, that in all cases where the same person or body politic is not entitled to the perception of the whole of the tithes of any parish, and the liability of the lands to the payment of tithes is not in dispute, but the lands out of which each tithe owner is entitled to the perception of his portion or parcel of tithes are not well defined, and also in all cases where such lands lie dispersedly throughout the parish, it shall be lawful, at any time before the confirmation of any apportionment under the provisions of the said act, for the land owners and tithe owners having any interest in such lands or tithes (with the consent of the diocesan and of the patron of the living whenever tithes payable to any spiritual person in right of his benefice are in question), to agree, or for the tithe commissioners to determine, in case the commutation shall have been made by their award, that the several rent charges which shall be made payable in lieu of tithes to each of the tithe owners respectively shall be fixed and apportioned upon such particular lands as to them shall seem convenient, so that no lands are charged with more than their due proportion of rent charge, when the determination shall be by the compulsory award of the commissioners; and every agreement or determination to that effect, when confirmed by the tithe commissioners, shall be binding upon and conclusive against all persons and bodies politic, notwithstanding any doubt as to the identity of the lands out of which the tithes originally issued in lieu whereof such distinct rent charges are made payable.

Provision for the period intervening between the end of former compositions and the commutation.

X. And be it enacted, that with the first payment of rent charge under any agreement for the commutation of tithes shall also be paid any sum which shall be agreed to be paid in consideration of the time (if any) which may intervene between the termination of any previous agreement or composition for the payment of tithe and the time at which, by the said agreement for commutation, the lands shall be discharged from the payment of tithe, regard being had to the whole annual amount of rent charge agreed to be paid, and to the other circumstances of each case.

Parties to a parochial agreement may fix when it shall begin to operate.

XI. And be it enacted, that the parties to a parochial agreement may agree thereby, or by any supplemental agreement made and confirmed in like manner, that the lands included in the said agreement shall be discharged from the payment of tithes (except as excepted in the said act) from the first day of *January* next preceding, or from the first day of *April*, or first day of *July*, or first

day of *October* preceding or following the confirmation of the apportionment, instead of the first day of *January* next following the confirmation: provided always, that in every case the first payment of rent charge shall be made and recoverable by the means provided in the said act, on the expiration of six calendar months from the time from which such lands are discharged from the payment of tithes.

XII. And be it enacted, that no deed or declaration authorized by the said act for the commutation, release, or merger of tithes shall be chargeable with any stamp duty.

Deeds not chargeable with stamp duty.

XIII. And be it enacted, that any assistant commissioner appointed to assist in carrying the said act into execution may take the oath required of him by the said act before any two justices for the county, riding, division, liberty, or jurisdiction wherein such assistant commissioner shall be resident at the time of his appointment, or before a master extraordinary in her majesty's high court of chancery; and every such oath so taken shall be as valid and effectual as if the same had been taken before one of the judges of her majesty's court of queen's bench or common pleas or one of the barons of the court of exchequer.

Assistant commissioner may be sworn before two justices or a master in chancery.

XIV. And be it enacted, that this act shall be taken to be a part of the said act for the commutation of tithes in *England and Wales*.

This act to be taken as part of 6 & 7 W. 4, c. 71.

1 & 2 VICTORIA, CAP. 64.—*An act to facilitate the merger of tithes in land*.—Whereas by an act passed in a session of parliament of the sixth and seventh years of the reign of his late majesty king *William* the fourth, intituled *an act for the commutation of tithes in England and Wales*, it was (amongst other things) provided that it should be lawful for any person seized in possession of an estate in fee simple or fee tail of any tithes, or rent charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the tithe commissioners for *England and Wales* should approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of the same so that the same might be absolutely merged and extinguished in the freehold and inheritance of the lands on which the same should have been charged: and whereas it is expedient that the aforesaid provision should be extended in manner hereinafter mentioned: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act it shall be lawful for any person or persons who shall, either alone or together, be seized of or have the power of acquiring or disposing of the fee simple in possession of any tithes, or rent charge in lieu of tithes, by any deed or declaration under his or their hand and seal or hands and seals, to be made in such form as the tithe commissioners for *England and Wales* shall approve, and to be confirmed under their seal, to convey, appoint, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands out of or on which the same shall have been issuing or charged; and every such deed or declaration as aforesaid shall be valid and effectual for the purpose aforesaid, although the same may not be executed or made in the manner or with the formalities or requisites

6 & 7 W. 4, c. 71, s. 71.

Persons having the power of appointment over tithes may merge them in the land.

which if this act had not been passed would have been essential to the validity of any instrument by which such person or persons could have acquired or disposed of the fee simple in possession of such tithes, or rent charge in lieu of tithes.

Deeds exempt from duty.

II. And be it enacted, that no deed or declaration authorized by this act for the merging of tithes shall be chargeable with any stamp duty.

Where tithes and the lands charged therewith are settled to same uses, the tenant for life may cause them to merge in the land.

III. And be it enacted, that in all cases where tithes, or rent charge in lieu of tithes, and the lands out of which the same are payable, are both settled to the same uses, it shall be lawful for any person in possession of an estate for life in both such lands and tithes, or rent charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the said commissioners shall approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of such tithes or rent charge, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands out of which such tithes shall have been issuing or on which such rent charge shall have been charged.

Tithes may be merged in copyhold lands.

IV. And whereas doubts have been entertained whether, according to the true construction of the said act, any tithes or rent charge in lieu of tithe, can be merged in lands of copyhold tenure, and it is expedient that such doubts should be removed; be it therefore declared and enacted, that the provisions in the said act and this act contained as to the merger of any tithe, or rent charge in lieu of tithe, shall be deemed and taken to extend to all lands, being copyhold of inheritance or copyhold for lives, or of any other tenure whatsoever.

Meaning of words, &c.

V. And be it enacted, that in the construction and for the purposes of this act the several words "person," "lands," and "tithes" shall respectively mean and include whomsoever and whatsoever the same words would have meant and included if the enactment hereinbefore made had been contained in the said recited act instead of this act.

Limits of act.

VI. And be it enacted, that this act shall extend only to *England* and *Wales*.

Act may be altered.

VII. And be it further enacted, that this act may be amended, altered, or repealed by any act or acts to be passed in this present session of parliament.

6 & 7 W. 4, c. 71.

1 Vict. c. 69.

1 & 2 Vict. c. 64.

2 & 3 VICTORIA, CAP. 62.—*An act to explain and amend the acts for the commutation of tithes in England and Wales.*—Whereas an act was passed in the seventh year of the reign of his late majesty king *William* the fourth, intituled *an act for the commutation of tithes in England and Wales*: and whereas an act was passed in the first year of the reign of her present majesty, to amend the recited act: and whereas an act was passed in the second year of the reign of her present majesty, intituled *an act to facilitate the merger of tithes in land*: and whereas it is expedient to explain and amend the said acts in certain respects: be it therefore declared and enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in every

case where any tithes or rent charge shall have been or shall hereafter be released, assigned, or otherwise conveyed or disposed of under the provisions of the said acts or any of them, or of this act, for merging or extinguishing the same, the lands in which such merger or extinguishment shall take effect shall be subject to any charge, incumbrance, or liability which lawfully existed on such tithes or rent charge, previous to such merger, to the extent of the value of such tithes or rent charge; and any such charge, incumbrance, or liability shall have priority over any charge or incumbrance existing on such lands at the time of such merger taking effect; and such lands, and the owners thereof for the time being, shall be liable to the same remedies for the recovery of any payment and the performance of any duty in respect of such charge, incumbrance, or liability, or of any penalty or damages for nonpayment or nonperformance thereof respectively, as the said tithes or rent charge, or the owner thereof for the time being, were or was liable to previous to such merger.

On merger of tithes or rent charge, the charges thereon to be charges on lands.

II. And be it enacted, that every person entitled to exercise the powers for merger of tithes or rent charge in land under the said acts or any of them, or of this act, may, with the consent of the tithe commissioners for the time being under their hands and seal of office, and of the person to whom the lands in which such merger or extinguishment shall take effect shall belong, either by the deed or other instrument or declaration by which such merger shall be effected, or by any separate deed, instrument, or declaration, to be made in such form as the commissioners shall approve, specially apportion the whole or any part of any such charge, incumbrance, or liability affecting the said tithes or rent charge so merged or extinguished, or proposed to be merged or extinguished in such lands, upon the same or any part thereof, or upon any other lands of such person held under the same title and for the same estate in the same parish, or upon the several closes or portions of such lands, or according to an acreable rate or rates upon lands of different quality, in such manner and proportion, and to the exclusion of such of them, as the person intending to merge the same, with such consent as aforesaid, may by any such deed, instrument, or declaration direct: provided always, that no land shall be so exclusively charged unless the value thereof shall in the opinion of the said commissioners be at least three times the value of the amount of the charge, incumbrance, or liability charged or intended to be charged thereon, over and above all other charges and incumbrances, if any, affecting the same.

Power for special apportionment of such charge on lands being of three times the value of the charge.

III. And be it enacted, that the assessor or collector of any rate or tax shall, within forty days after the receipt of a notice in writing signed by any land owner or tithe owner interested therein, specify in his assessment made for the purpose of collecting and levying such rate or tax the names of the several occupiers of tithes, lands, and tenements subject to such rate or tax, as well as the sum assessed on the tithes, lands, or tenements held by each such occupier.

Name of each occupier, &c. to be specified by assessor, on notice from owner.

IV. And be it enacted, that where the whole of the great tithes or the whole of the small tithes, or the respective rent charges in lieu thereof, shall be lawfully subject to any such charge, incumbrance, or liability, and the person entitled to such tithes or rent

Power of special apportionment on tithes or rent charge.

charge respectively shall be desirous of apportioning such charge, incumbrance, or liability respectively exclusively upon any part of such tithes or rent charge, although such person has not the power or does not intend to merge the same under the said acts or this act, such person may, with the like consent of the said commissioners, and in such manner as they shall see fit and prescribe, and also with the consent of the bishop of the diocese, specially apportion such charge, incumbrance, or liability respectively upon any part or portion of the tithes or rent charge respectively subject thereto, not being in the opinion of the said commissioners less than three times the value of the said charge, incumbrance, or liability, or of such part thereof as shall be so apportioned thereon, or intended so to be.

Expenses of
special ap-
portionment.

V. And be it enacted, that in every such case of special apportionment the costs and expenses of or incident thereto shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of apportionments are recoverable under the provisions of the said recited acts or either of them, or of this act.

Tithes and
rent charge
of glebe may
be merged.

VI. And be it declared and enacted, that the provisions of the said acts and this act for merger or extinguishment of tithes or rent charge instead of tithes in the lands out of which such tithes shall have been issuing, or whereon such rent charge shall be fixed, do and shall extend to glebe or other land, in all cases where the same and the tithes or rent charge thereof shall belong to the same person in virtue of his benefice, or of any dignity, office, or appointment held by him.

Provision for
deducting
value of
tithes and
rent charge
from arbitra-
ry fines in
cases of mer-
ger in copy-
holds, 1 & 2
Vict. c. 64,
s. 4.

VII. And be it enacted, that in every case of merger of tithes or rent charge issuing out of land of copyhold tenure, and subject to arbitrary fine, it shall be lawful for the said commissioners, on the application of the owner of such land, to ascertain, by such ways and means as they shall think fit, the annual value of the tithes or rent charge so merged or intended to be merged; and the said commissioners shall in such case cause to be endorsed on the deed, declaration, or other instrument effecting such merger a certificate under their hands and seal, setting forth such annual value so ascertained; and in every case of future assessment of fine on the lands which before such merger were subject to such tithes or rent charge, the parties entitled to such fine shall assess the same as if such lands were subject to the tithes or rent charge of which the annual value shall be so endorsed; and the production of such deed, declaration, or instrument of merger, or of a duplicate thereof, with such certificate endorsed, or of an office copy of such deed, declaration, or instrument and certificate endorsed thereon, shall be sufficient evidence of the annual value of such tithes or rent charge.

Power to
make award
by way of
supplement
to parochial
agreement
in cases of
fraud, &c.

VIII. And be it enacted, that, notwithstanding any thing in the said acts or any of them contained, in any case where a parochial agreement for rent charge or for giving land instead of tithes, or any compulsory award, has been duly confirmed by the said commissioners, and it shall appear to them, at any period before the confirmation of the apportionment of such rent charge, that by reason of fraud, or by the omission or insertion through error of the tithes or lands of any party thereto, or of the name of any person,

whether as tithe owner or land owner, who ought, or, as the case may be, who ought not, to have been party thereto, or any other manifest error, that such agreement or award would be unjust, and that if such fraud, omission, insertion, or other manifest error had not occurred the said commissioners would have come to a different conclusion in respect of such agreement or award, and would have declined to confirm or would have varied the same previous to such confirmation, it shall be lawful for the said commissioners, if they shall see fit, and in their sole discretion, but not otherwise, by a separate award to rectify such agreement or award in any of the matters aforesaid, in such manner as to them shall seem just; and all the provisions and powers of the recited acts relating to compulsory awards shall be applied in every such case, in respect of the matter so dealt with, in as full a manner as if no such agreement or award had been made, or as if the same were made in respect of a separate district: provided always, that in every such separate award the matter so dealt with, and the grounds on which the commissioners shall have seen fit to make the same, shall be recited or otherwise set forth in the draft thereof, in addition to the other particulars required by the said acts, or any of them, to be set forth in compulsory awards; and every such award shall, in the notice of meeting for hearing objections thereto, be called a separate award by way of supplement to the parochial agreement or award in the parish to which such separate award relates.

IX. And be it enacted, that it shall be lawful, at any time before the confirmation of any apportionment after a compulsory award in any parish, for the land owners and tithe owners, having such interest in the lands and tithes of such parish as is required for the making a parochial agreement, to enter into a parochial agreement for the commutation of *Easter* offerings, mortuaries, or surplice fees, or of the tithes of fish or fishing, or mineral tithes; and all the provisions, conditions, limitations, and powers of the said recited acts or any of them, relating to parochial agreements, so far as the same shall in the judgment of the commissioners be applicable to the subject of the proposed commutation, shall be observed and applied in every such case as if no previous award had been made; and every such agreement may fix the period at which the rent charge to be paid under such agreement shall commence, but so nevertheless that the same and the subsequent payments thereof shall be made on some day fixed for the payment of the rent charge awarded in such parish, and shall be recoverable from time to time by the means provided in the said acts or either of them for the recovery of the rent charges in the said parish.

X. And be it enacted, that it shall be lawful for the commissioners in any compulsory award, or by any supplementary award, in cases where the parties shall not have fixed the same by parochial agreement, as under the said secondly recited act is provided, to fix, or where the commissioners shall not have so fixed for the land owners and tithe owners having such an interest in the land and tithes of any parish as is required for making a parochial agreement to enter into a supplementary agreement for fixing, such sum as to them respectively shall seem fit to be paid in consideration of the time (if

Power after award to make parochial agreement for *Easter* offerings, &c. 6 & 7 W. 4, c. 71, s. 90.

Power to fix commencement of rent charge.

any) which may intervene between the termination of any previous agreement or composition for the payment of tithe and the time at which the rent charge shall commence, either under such compulsory award or parochial agreement where the same shall have been previously made, and also for the said commissioners by their said award to fix, or for the land owners and tithe owners having such interest in the lands and tithes of any parish as is required for the making a parochial agreement, at any time after such award, and before the confirmation of the apportionment, to enter into a supplementary agreement for fixing the period at which the rent charge to be paid under such award shall commence, in like manner and subject in both cases to the like conditions as are provided in the secondly recited act, enabling parties to agree to pay any such sum, or to fix the period at which any rent charge shall commence.

Fixed rent charge may be substituted for contingent rent charge on lands partially exempt. 6 & 7 W. 4, c. 71, s. 71.

XI. And be it enacted, that where lands are exempted from the payment of tithes, or of rent charge instead of tithes, whilst in the occupation of the owner of such lands, by reason of having been parcel of the possessions of any privileged order, it shall be lawful for the respective owners of the said lands and tithes or rent charge, by the parochial agreement for the rent charge, or by a supplemental agreement in cases where the parochial agreements or any award shall have been confirmed by the said commissioners, to be made in such form as the commissioners shall direct or approve, to agree to the payment, or for the commissioners in the case of a compulsory award, with the consent of the respective owners of the said lands and tithes, to award the payment of a fixed and continuing rent charge, without regard to the change of occupation or manurance of such lands, equivalent in value, according to the judgment of the commissioners, to such contingent rent charge; and such lands shall, from the date of the confirmation by the commissioners of such parochial agreement or supplemental agreement or award, as the case may be, or from such date as shall be fixed by the parties, with the approval of the said commissioners, in any such agreement or supplemental agreement, be subject to such fixed rent charge instead of the contingent tithes or rent charge to which such lands were subject previous to such agreement or supplemental agreement or award being made: and every such fixed rent charge shall from such period respectively be paid and recoverable by the means provided in the said acts, in like manner as if the same had been the rent charge originally fixed in any parochial agreement or award in respect of the said tithes.

Provisions of 6 & 7 W. 4, c. 71, secs. 43 and 71, for substituting fixed rent charge extended to crown lands.

XII. And whereas certain crown lands, by reason of their being of the tenure of ancient demesne or otherwise, are exempted from payment of tithes whilst in the tenure, occupation, or manurance, of her majesty, her tenants, farmers, or lessees, or their under tenants, as the case may be, but become subject to tithes when aliened or occupied by subjects not being tenants, farmers, or lessees of the crown, and doubts have arisen how far the provisions of the said first recited act relating to lands heretofore parcel of the possessions of any privileged order, or in the nature of glebe, or otherwise in like manner privileged and partially exempt, are applicable to such crown lands; be it declared and enacted, that all and every the said pro-

visions of the said first recited act do extend to such crown lands, and that the provision lastly in this act contained for substituting a fixed rent charge instead of a contingent rent charge on lands partially exempt from tithes shall extend and be applicable to such crown lands as aforesaid: provided always, that no such fixed rent charge shall be substituted instead of such contingent rent charge on such crown lands without the consent of the persons or officers who are by the said first recited act respectively required to be substituted in cases of commutation of tithes where the ownership of lands or tithes is vested in her majesty.

XIII. And whereas large tracts of land called lammas lands are in the occupation of certain persons during a portion of the year only, and are liable to the tithes of the produce of the said lands increasing and growing thereon during such occupation, and at other portions of the year are in the occupation of other persons, and in their hands liable to different kinds of tithes arising from the agistment, produce, or increase of cattle or stock thereon; and by reason of such change of occupation such last mentioned tithes cannot be commuted for a rent charge issuing out of or fixed upon the said lands, and the said recited acts are thereby rendered inoperative in the several parishes where such lammas lands lie: and whereas the said acts are in like manner inoperative in certain cases where a personal right of commonage, or a right of common in gross, is vested in certain persons by reason of inhabitancy or occupation in the parish where any common may lie, or by custom or vicinage, but without having such right of common so annexed or appurtenant to or arising out of or in respect of any lands on which any rent charge could be fixed instead of the tithes of the cattle or stock, or their produce, increase, or agistment, on such common, annexed to such personal right; for remedy thereof be it enacted, that in every case where by reason of the peculiar tenure of such lands, and the change during the year of the occupiers thereof, or of such right of commonage, a rent charge cannot, in the judgment of the said commissioners, be fixed on the said lands in respect of cattle and stock received and fed thereon, or of the produce and increase of such cattle and stock, at such portion of the year as the said lands are thrown open, or where such right of commonage alone exists, it shall be lawful for the parties interested in such lands or commons and the tithes thereof in the case of a parochial agreement, or for the commissioners in the case of a compulsory award, in every such parochial agreement or award respectively, or by any supplemental agreement in the nature of a parochial agreement, or by a supplemental award, as the case may be, where any parochial agreement or award has been already made, to fix a rent charge instead of the tithes of such lammas land or commons, to be paid during the separate occupation thereof by the separate occupiers, in like manner as other rent charges are fixed by the said acts or any of them, and to declare in such agreement or award, or supplemental agreement or award, as the case may be, such a sum or rate *per* head to be paid for each head of cattle or stock turned on to such lammas land or commons by the parties entitled to the occupation thereof after the same shall have been so thrown open, or by the parties entitled to

Provision for
tithes of lam-
mas lands,
&c.

such right of commonage as aforesaid; and every such sum shall be ascertained and fixed upon a calculation of the tithes received in respect of such last mentioned occupation or right for the period and according to the provisions for fixing rent charges in the said recited acts, and shall be due and payable by the owner of such cattle or stock on the same being first turned upon such lands or commons, and shall be recoverable by the persons entitled thereto by distress and impounding of the cattle or stock in respect of which such sum shall be due, in like manner as cattle are distrained and impounded for rent, and be subject to the same provisions as to distress and replevin of the same as are by law provided in cases of distress for rent: provided always, that nothing herein contained shall extend to lammas lands where no tithes or payments instead of tithes have been taken during the seven years ending at *Christmas* one thousand eight hundred and thirty-five in respect of the cattle or stock received and fed thereon, or of the produce and increase of such cattle or stock at such portion of the year as the said lands are thrown open.

Rent charge in respect of tithes of common appurtenant to be a charge on the allotments made in respect of the lands to which right of common attached.

XIV. And whereas in certain cases of commons hereafter to be inclosed allotments may be made in respect of tenements and hereditaments to which a right of going on such common is appendant or appurtenant, the tithes whereof would be chargeable on the tenements or hereditaments in respect of which such allotments may be made, and such tenements or hereditaments are not of themselves an adequate security for the rent charge to be fixed in respect of such tithes; be it therefore declared and enacted, that in every such case the rent charge to be fixed instead of such tithes shall be a charge upon and recoverable out of any allotments to be in future made in respect of such rights, as well as upon such tenements or hereditaments in respect of which such allotments are made, and by the same ways and means as are provided for the recovery of rent charges by the said acts or any of them, or this act.

Recited acts extended to collegiate bodies, &c., notwithstanding restraining statute.

13 Eliz. c. 10.

XV. And be it declared and enacted, that all the provisions in the recited acts or any of them in any way relating to or enabling the pulling down or sale of barns and buildings generally used for housing tithes paid in kind, and the sale of the materials and the site thereof, either with or without any farm buildings or homesteads thereto belonging, and for the conveyance and delivery thereof, and for securing the consideration money for the benefit of the persons thereunto entitled, shall apply to and may be made available by any corporate body or person, whether as trustees or otherwise, by any master and fellows of any college, dean and chapter of any cathedral or collegiate church, master or guardian of any hospital, parson, vicar, or any other having any spiritual or ecclesiastical living, being seized or possessed of any such barns or buildings, or the site thereof, notwithstanding any thing in a certain statute made in the thirteenth year of the reign of queen *Elizabeth*, for making void fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidations, or in any other statute.

6 & 7 W. 4. c. 71, s. 77, extended to corporate and collegiate bodies.

XVI. And be it declared and enacted, that so much of the said acts or any of them as enables any owner of a particular estate in lands or tithes to charge so much of the expenses of the commutation as is defrayed by him, or any part thereof, and the interest

thereon, upon the lands whereof the tithes are commuted, or upon the rent charge to be received by him instead of such tithes respectively, shall in like manner extend and be applicable to and may be made available by any corporate body or person, master or fellows of any college, dean and chapter of any cathedral or collegiate church, master or guardian of any hospital, parson, vicar, or any other having any spiritual or other ecclesiastical living, and whether seized in fee or for a limited estate in such lands, tithes, or rent charge, any thing in the said statute of queen *Elizabeth*, or any other restraining statute, or in the tenure by which such lands, tithes, or rent charge respectively are holden, to the contrary notwithstanding, but so nevertheless that the charge upon such lands or rent charge respectively shall be lessened in every year following such commutation by one-twentieth part at least of the whole original charge thereon.

XVII. And be it enacted, that it shall be lawful for any ecclesiastical corporation aggregate, or any collegiate body, with the consent of the said commissioners testified under their hands and seal, to charge with the amount of the expenses of commuting the tithes of any lands of which they are owners, or any part of such expenses, with interest thereon, on any other lands holden by them to the same uses or on the same trusts as the lands in respect of which such expenses were incurred, but so nevertheless that the charge upon such lands shall be lessened in every year following by one-twentieth part at the least of the whole original charge thereon.

Colleges, &c. may charge expenses on other lands besides those for which expenses are incurred.

XVIII. And be it enacted, that payment of the expenses of or incident to making any apportionment, or any other expenses which the said commissioners are authorized and may have ordered or may order to be paid by any owner of lands under and by virtue of the recited acts, or any of them, or this act, may be enforced by the same ways and means as payment of rent charge in arrear may be enforced under the provisions of the said acts or either of them.

For recovery of expenses of apportionment.

XIX. And be it enacted, that so much of the said first recited act as enables any land owner, either by parochial agreement or individually, to give land instead of tithes or rent charge at any time before the confirmation of any instrument of apportionment, shall be and the same is hereby extended, and the powers and provisions for that purpose may be exercised in every such case at any time, as well after as before such confirmation of the apportionment as aforesaid, during the continuance of the commission constituted and with the consent of the commissioners appointed and acting under the said first recited act.

Extension of 6 & 7 W. 4, c. 71, secs. 29, 62, for giving land in lieu of tithes.

XX. And be it enacted, that in any case where any land shall have been or shall hereafter be taken by any ecclesiastical tithe owner under any agreement for the commutation of any tithes, or for giving land instead of any rent charge, under the recited acts, or any of them, or this act, such land shall upon the confirmation of such agreement vest absolutely in such tithe owner and his successors, free from all claims of any person or body corporate, and without being thereafter subject to any question as to any right, title, or claim thereto, or in any manner affecting the same; and the commissioners shall cause to be inserted in or endorsed upon every such agreement the amount of the rent charge instead of which such land

Lands taken by ecclesiastical tithe owners instead of tithes to vest absolutely in them.

was given, and the lands upon which the same was chargeable; and every person who if this act had not been made would have been entitled to recover any such land given instead of rent charge, or any rents or profits issuing out of such land, shall be entitled to recover against the party or parties giving such land instead of tithes or rent charge, his, her, or their heirs, executors, or administrators, by way of damages, in an action on the case, such compensation as he or she may be entitled to for any loss thereby sustained; and such damages, and all costs and expenses awarded to the plaintiff in such action, shall forthwith attach upon and be payable out of the lands exonerated by such agreement.

Corporations, trustees, and feoffees, to charitable uses may conveylands.

XXI. And be it enacted, that all agreements and other assurances which shall be made for the purpose of effecting the taking of land instead of rent charge under the provisions of the said recited acts, or any of them, or this act, shall be valid and effectual for the purpose of vesting an estate of inheritance as to such lands in such ecclesiastical tithe owner and his successors, notwithstanding the same be made by any corporation sole or aggregate, or any trustees or feoffees for charitable purposes, otherwise restrained from or incapable of making any such valid conveyance or assurance.

Apportionments may be confirmed though commissioners not satisfied of accuracy of maps.
7 W. 4, &
1 Vict. c. 69,
s. 1.

XXII. And be it enacted, that the provisions and conditions of the said secondly recited act, whereby the said commissioners are enabled to confirm any instrument of voluntary apportionment, although they shall not be satisfied of the accuracy of any map or plan annexed thereto, or that the several quantities of land specified in such apportionment or agreement are therein truly stated, shall extend to enable the commissioners, if they shall think fit, to confirm any compulsory apportionments to which any existing map or plan, agreed to be adopted at a parochial meeting, shall be annexed, although the said commissioners shall not be satisfied of the accuracy of such map or plan, or that the several quantities of land specified in such apportionment are truly stated in such map or plan.

Expenses of apportionment to be borne in certain cases as commissioners may direct.
6 & 7 W. 4,
c. 71, secs. 12,
74, 75.

XXIII. And whereas in and by the said first recited act the words "land owner" or "tithe owner," or "owner of lands" or "owner of tithes," are defined to mean and include every person who shall be in the actual possession or receipt of the rents or profits of any lands or tithes, except (amongst other exceptions) any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two-thirds of the clear yearly value of the premises therein shall have been reserved, and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, the person in receipt of such rent shall, jointly with the person liable to the payment thereof, be deemed for the purposes of the said act to be the owner of such tithes or lands: and whereas certain allowances and expenses to surveyors and tithe valuers necessary for making any award, and all other expenses of or incident to making an award, are by the said recited acts or some of them directed to be paid by the land owners and tithe owners interested

in the said award, in such proportion, time, and manner as the commissioners or assistant commissioners shall direct; and the expenses of or incident to making any apportionment are by the said first recited act to be paid by owners of lands in rateable proportions to the sums charged on the said lands in lieu of tithes by such apportionment: and whereas cases have occurred and may occur where by reason of the rent reserved in certain leases or agreements for leases not being less than two-thirds of the clear yearly value of the premises thereby demised or agreed to be demised at the date or time of coming into operation of such leases or agreements, but which premises are at the time of putting in force the provisions of the said recited acts of improved yearly value, so that the rent originally reserved or agreed for is less than two-thirds thereof, but by the operation of the said recited words, as defined in the said first recited act as aforesaid, such expenses, or a part thereof, would, under the said acts, be chargeable on the original lessor or original lessee, and not on the intermediate or sub-lessors or lessees whose beneficial interest in the said lands and tithes, or rent charge in lieu of tithes, is proposed to be or has been dealt with under the said recited acts, or some or one of them, or this act: and whereas certain other cases have occurred and may occur in which it is expedient that the commissioners should be empowered to vary and fix the proportion of the expenses of apportionment, including therein the expenses of or incident to the map or plan annexed thereto, and the copies thereof, between the owners of the lands affected thereby, as such owners are defined in the said first recited act as aforesaid, and according to such principles as to the said commissioners shall seem just and equitable; be it therefore declared and enacted, that, notwithstanding any thing in the said acts or any of them contained, it shall be lawful for the commissioners, in such cases as they may deem it just and equitable, to order and direct that such expenses of or incident to any award, or any part thereof, shall be borne and paid in such proportion and manner, by and amongst the persons interested in the lands, tithes, or rent charge respectively dealt with in such award, and that such expenses of or incident to any apportionment, or any part thereof, shall be borne and paid by and amongst the persons interested in the lands, in such proportions and manner respectively as the said commissioners shall direct; and such expenses, and every or any part thereof, shall in every such case be recoverable in like manner as expenses, or the share thereof to be borne by any person, are or is recoverable under the provisions of the said first recited act or this act.

XXIV. And whereas in certain cases of compulsory award where tithes are held by one tithe owner in different rights, or where by reason of owners of land having purchased or otherwise acquired such a beneficial interest in the tithes arising out of the same, for life or lives or for years, as under the said provisions of the said first recited act requires that such persons respectively should be dealt with and distinguished in such award as joint owners with the lessor of or the person having the reversionary interest in such tithes, but great difficulties have arisen in distinguishing the sums payable to each such tithe owner, as also in distinguishing the respective lands

Award may be made of rent charge to certain owners of tithes by general description. 6 & 7 W. 4, c. 71, secs. 12, 21, 50.

out of which the tithes accruing to any such tithe owner, either as holding such tithes in different rights or as joint tithe owner, arise, or whereon any several rent charge should be awarded, and the completion of such award has been thereby impeded; be it therefore declared and enacted, that in any such case it shall not be necessary in any such award to distinguish the lands or award a several rent charge to each such owner of the tithes by name, or otherwise to distinguish such tithe owner, but it shall be sufficient to award a gross rent charge to such owner of tithes in different rights in respect of such tithes so held by him, or, as the case may be, to the original lessor of such tithes, or the person in whom the ultimate reversion thereof shall be, by his proper name and description, and in any such case of joint ownership to the several persons claiming under him, and being so respectively joint owners of such tithes, by such general terms and description as to the commissioners or assistant commissioner making such award shall seem fit: provided always, that the name of each such tithe owner, and the lands out of which his respective tithes, or the portion of such gross rent charge instead of such tithes, shall respectively accrue or issue, shall be distinguished in the instrument of apportionment made in pursuance of such award; and every such tithe owner shall be as fully entitled to take, hold, and recover such portion of the rent charge as shall be so apportioned in such instrument of apportionment, upon the several lands the tithes or rent charge whereof are so held by him respectively, according to his respective term and interest in such tithes or the rent charge, in as ample a manner as if such tithe owner and lands had been respectively named and distinguished in such award under the provisions of the said first recited act.

Commissioners may adjourn meeting without attending to adjourn.

XXV. And be it enacted, that it shall be lawful for the said commissioners to adjourn any meeting by notice in writing under their hands or the hands of any two of them, to be affixed and published in manner provided for notices in the said firstly recited act, without any commissioner or assistant commissioner giving attendance for the purpose of making such adjournment.

Provision for dividing the tithe of fruit plantations in certain cases.

XXVI. And be it enacted, that in case any of the lands in a parish the tithes whereof shall be in course of commutation under the provisions of the said first recited act shall be orchards or fruit plantations, and notice in writing, under the hands of any of the owners thereof whose interest therein shall not be less than two-thirds of the whole of the orchards and fruit plantations in such parish, shall be given to the valuers or commissioners or assistant commissioner by whom any apportionment provided for by the said act shall be made at any time before the draught of such apportionment shall be framed that the tithes thereof should be distinguished into two parts, the amount which shall be charged by any such apportionment upon the several orchards and fruit plantations in such parish shall be distinguished into two parts accordingly, and the same shall be called the ordinary charge and the extraordinary fruit charge; and the extraordinary charge shall be a rate *per* imperial acre, and so in proportion for less quantities of ground, according to the discretion of the valuers or commissioners or assistant commissioner by whom such apportionment shall be made as aforesaid.

XXVII. And be it enacted, that all lands the tithes whereof shall have been commuted under the said act, which shall be situate within the limits of any parish in which an extraordinary fruit charge shall have been distinguished as aforesaid at the time of commutation, and which shall be newly cultivated as orchards or fruit plantations at any time after such commutation, shall be charged with an additional amount of rent charge *per* imperial acre equal to the extraordinary fruit charge *per* acre in that parish: provided always, that no such additional amount shall be charged in respect of any plantation of apples, pears, plums, cherries, and filberts, or of any one or more of those fruits, during the first five years, and half only of such additional amount during each of the next succeeding five years, of such new cultivation thereof; and that no such additional amount shall be charged in respect of any plantation of gooseberries, currants, and raspberries, or of any one or more of those fruits, during the first two years, and half only of such additional amount during each of the next succeeding two years, of such new cultivation thereof; and that no such additional amount shall be charged in respect of any mixed plantation of apples, pears, plums, cherries, or filberts, and of gooseberries, currants, or raspberries during the first three years, and half only of such additional amount during each of the next succeeding three years, of such new cultivation thereof.

Newly-cultivated fruit plantations to be charged an additional sum.

XXVIII. And be it enacted, that all lands the tithes whereof shall have been commuted as aforesaid, which shall be situated within the limits of any parish in which an extraordinary fruit charge shall have been distinguished as aforesaid, and which shall cease to be cultivated as orchards or fruit plantations at any time after such commutation, shall be charged, after the thirty-first day of *December* next following such change of cultivation, only with the ordinary charge upon such lands.

Orchards, &c. dis planted to be relieved from additional charge

XXIX. Provided also, and be it enacted, that in case any lands within the limits of a parish in which an extraordinary fruit charge shall have been distinguished as aforesaid shall have been or shall at any time be planted with fruit, and also with hops, the same shall, during the continuance of such mixed plantation of hops and fruit, be liable to the extraordinary hop charge only, or to the extraordinary fruit charge only, payable in respect of the same lands, not to both those charges; and that the extraordinary charge to which the lands so planted shall be liable shall be the higher of the two for the time being.

Provision for mixed plantations of hops and fruit.

XXX. And be it enacted, that where any land liable to any such extraordinary charge for the tithes of a mixed plantation of hops and fruit shall at the time of the commutation produce both rectorial and vicarial tithes payable to different persons the apportionment shall set out the same, distinguishing the amount of ordinary and extraordinary charge payable to each tithe owner, and shall divide the whole acreable extraordinary charge between such tithe owners, according to the quantity of land producing rectorial tithe, and the quantity producing vicarial tithe.

When land subject to rectorial and vicarial tithe, acreable rent charge to be fixed.

XXXI. And be it enacted, that in all cases in which there shall be hereafter mixed plantations of hops and of such fruit as aforesaid in any parish or district in which an extraordinary fruit charge shall

Provision for future mixed plantations.

have been declared, the rectorial and vicarial tithes whereof but for the commutation would have been payable to different owners, the extraordinary charge payable in respect of the tithes of such mixed plantation shall be divided between such owners in proportion to the extent of land occupied by that produce which would have paid tithes to each of them respectively: provided always, that payment of the share of each tithe owner, when so ascertained, shall be taken to be subject to the provisions contained in the said first recited act and in this act, for lessening the amount of extraordinary charge payable in respect of hop gardens and orchards respectively at the beginning of such cultivation.

How the
rent charge
for hops and
fruit may be
fixed in cer-
tain cases.

XXXII. And be it enacted, that for the purpose of fixing any charge for the tithes of hops or fruit, or of any mixed plantation as aforesaid, the commissioners may, if they see fit, assign the parish or lands in respect of which due notice shall have been given, requiring the tithes thereof to be separately valued, as required by the said first recited act, or any part or parts of such parish or lands, as a district under the provisions of the said act, and may fix a charge upon such lands in respect of the tithes of hops or fruit as the rent charge to prevail and to be established in respect of the same, without specific reference in the award to any other parish or lands, but having regard nevertheless to the general amount of compositions which they shall find to have prevailed in other parishes of a similar description, and not to the money payments in the parish under consideration, or the value of the tithes in kind therein.

Provision for
giving effect
to parochial
agreements,
and proceed-
ings thereon
in certain
cases of ex-
traordinary
charge.

XXXIII. And be it enacted and declared, that the provisions of the said first recited act for distinguishing rent charges apportioned upon lands cultivated as hop grounds into two parts, and for relieving lands from and subjecting the same to an extraordinary charge when ceased to be cultivated, and when newly cultivated as such, respectively, shall be held to extend to parochial agreements already or hereafter made, and to the proceedings consequent thereupon, and to the lands discharged from tithes by virtue thereof; and that every such agreement and proceeding, whereby any district has been or shall be assigned for establishing or distinguishing into two parts any rent charge in respect of lands cultivated as aforesaid, shall be deemed valid, operative, and effectual for all the purposes of the said recited acts and of this act, and that every district assigned by virtue thereof shall be deemed a district duly assigned, and every rent charge created thereby a valid rent charge for the like purposes.

For the set-
tlement of
disputes as
to bounda-
ries.

XXXIV. And be it enacted, that in case there shall be any question between any parishes or townships, or between any two or more land owners, touching the boundaries of such parishes or townships, or the lands of such land owners respectively, or if such parishes or townships or land owners shall be desirous of having such boundaries ascertained or a new boundary line defined, it shall be lawful for the said commissioners, or any assistant commissioner, on the application in writing of a majority of not less than two-thirds in number and value of the land owners of such parishes or townships in the case of parochial or township boundaries, or on the like application of such two or more land owners in the case of boundaries between their lands, to deal with any dispute or question concerning

such boundaries, and to ascertain, adjust, set out, and define the ancient boundaries between such parishes or townships or the lands of such land owners respectively, or draw and define a new line of boundary, as they may see fit; and in every such case the powers and provisions of the said recited acts and of this act, so far as the same may, in the judgment of the said commissioners or assistant commissioner respectively, be applicable, shall extend and may be applied by them or him to such question; and the boundary line so ascertained or newly defined by the said commissioners or assistant commissioner shall thenceforward be the boundary line of and between such parishes, townships, or lands of such land owners respectively for all purposes whatsoever: provided always, that nothing in this provision contained shall extend to any boundary or part of a boundary being also the boundary line or part of the boundary line of any county, or to the boundary line of any copyhold or customary land, unless the consent in writing of the lord of the manor whereof such land is holden to such application being dealt with by the said commissioners or assistant commissioner shall have been first sent to them or him for such purpose: provided also, that every such boundary line shall be duly set out and delineated on the map annexed to the schedule of appointment, or upon a separate plan to be attached thereto, with proper descriptions and references, showing in what respects such map so annexed to the apportionment is varied, and in what respect the several closes whereon any rent charge is fixed are affected thereby; and such map shall in every such case be deemed to be varied by such plan, and be as valid for all purposes as if the same had been originally drawn and sealed or certified by the said commissioners with such variation.

XXXV. And be it enacted, that in every case in which any judgment or determination of the commissioners or of any assistant commissioner respecting the boundary of any parish, district, or lands shall have been or shall be removed into the court of queen's bench, it shall be lawful for the court to direct the trial of one or more feigned issues upon such points as the court shall think fit, and also to direct who shall be the plaintiff or plaintiffs and who shall be the defendant or defendants on such trial, or determine the same in a summary manner, or otherwise to dispose of the question or questions in dispute, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

XXXVI. And be it enacted, that it shall be lawful for the said commissioners and for such assistant commissioner as aforesaid to order and direct that all reasonable costs, charges, and expenses already or hereafter to be incurred by any parties interested in or about any inquiry into any boundary which the said commissioners or such assistant commissioner are or is authorized to settle, shall be borne and paid in such proportion and manner by and amongst the several other parties interested therein (as well those who shall have signed a request to the tithe commissioners that the said commissioners should inquire into and settle such boundaries, as every other person interested who shall, either personally, or by his or her counsel, attorney, or agent, appear upon such inquiry before the

How questions of boundary removed into queen's bench are to be dealt with

Commissioners may award costs of inquiry into boundaries.

said commissioners or before such assistant commissioner) as the said commissioners or any such assistant commissioner shall direct; and such costs, charges, and expenses, and every part thereof, shall in every such case be recoverable in the like manner as expenses or the share thereof to be borne by any person are or is recoverable by the recited acts or this act.

This act to
be taken as
part of 6 & 7
W. 4, c. 71.

XXXVII. And be it enacted, that this act shall be taken to be a part of the first recited act for the commutation of tithes in *England* and *Wales*, and of the secondly recited act for amending the same, and of the said thirdly recited act to facilitate the merger of tithes; and that in the construction of this act, unless there be something in the subject or context repugnant to such construction, the several words used in this act shall have and bear the same interpretation as is given to such words respectively in the said recited acts or either of them; and whenever a word importing the singular number or masculine gender only is used the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as one matter or thing respectively, and the converse.

Act may be
amended, &c.

XXXVIII. And be it enacted, that this act may be amended or repealed by any act passed in this session of parliament.

6 & 7 W. 4,
c. 71, s. 67.

3 & 4 VICTORIA, CAP. 15.—*An act further to explain and amend the acts for the commutation of tithes in England and Wales.*—Whereas

by an act passed in the seventh year of the reign of his late majesty king *William* the fourth, intituled *an act for the commutation of tithes in England and Wales*, it is enacted, that from the first day of *January* next following the confirmation of any apportionment in any parish under the said act, the lands of such parish shall be absolutely discharged from tithes, except as in the said act is provided in certain cases, and instead thereof there shall be payable to the person entitled to such tithes, and in that behalf mentioned in the said apportionment, a sum of money in the nature of a rent charge issuing out of the lands charged therewith; and by an act passed in the first year of the reign of her present majesty, intituled *an act to amend an act for the commutation of tithes in England and Wales*, provision is made for the lands in a parish being discharged from tithes (except as in the said first recited act is excepted) by agreement between the parties to any parochial agreement or supplemental agreement, from certain days preceding or following the confirmation of the apportionment, instead of the said first day of *January* next following such confirmation, but so that the first payment of the rent charge be made and recoverable at the expiration of six calendar months from the time from which such lands are discharged from the payment of tithes; and by an act passed in the last session of parliament, the commissioners appointed under the said first recited act are enabled by their award, and the land owners and tithe owners by supplemental agreement, in like manner to fix the period at which any rent charge shall commence: and whereas after an agreement for or award of rent charge has been made and confirmed by the said commissioners, much delay is often occasioned in settling and adjusting the apportionment before the same can be confirmed by the commissioners; and, to avoid the loss of the pro-

7 W. 4, &
1 Vict. c. 69,
s. 11.

2 & 3 Vict.
c. 62, s. 10.

portion of tithes or composition for the period intervening between the expiration of any former agreement or composition and the commencement of such rent charge, the tithe owner is compelled to have recourse to taking tithes in kind, or to a suit in equity; and in other cases, by reason of the lands so remaining subject to tithes, or composition for tithes, during such period, such tithes continue to be taken in kind, or may be so taken on the determination of any composition existing at the date of such agreement or award, notwithstanding that the parties have agreed for, or the commissioners awarded, the sum which under the provisions of the said acts ought to be taken as the permanent rent charge payable instead of such tithes; and great hardship is thereby occasioned, contrary to the spirit and intent of the said acts: and whereas it is expedient to make provision for remedy thereof, and otherwise to explain and amend the said recited acts, in manner hereinafter mentioned: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in every case where an annual sum by way of rent charge shall have been fixed in any parish, instead of the tithes of such parish, either by agreement or award, it shall be lawful for the said commissioners, by a declaration in writing under their hands and seal of office, or the hands of any two of them, at any period after the confirmation of any such agreement or award respectively, and before the confirmation of the apportionment to be made in respect of the rent charge so fixed, upon the application in writing of any land owner or occupier, and upon such security being given to the said commissioners as they shall in their discretion think sufficient for the due payment to the parties entitled thereto of such rent charge from the day to be fixed in such declaration, to declare that the lands in such parish shall be discharged from the liability to payment or render of tithes, or composition or rent in the nature thereof instead of tithes, and that instead thereof the annual payment or rent charge so fixed by any such award or agreement respectively shall be paid to the person entitled to the same by half-yearly payments, commencing and calculating from such day of discharge named in such declaration as aforesaid: provided always, that the day to be fixed in such declaration of the said commissioners as aforesaid shall, in every case in which any agreement for a composition or rent in the nature thereof instead of tithes shall be in force at the time of making such application to them as aforesaid, be the day on which such composition or rent shall determine, and in every other case shall be either the first day of *January*, the first day of *April*, the first day of *July*, or the first day of *October*, either before or after the day on which the agreement or award fixing the amount of such rent charge shall bear date, as to the said commissioners shall appear most just and equitable: provided also, that when such period of discharge shall have been fixed to take effect from any of such days preceding the date of such agreement or award, the said commissioners shall cause due inquiry to be made, and shall allow and deduct from the first payment to be made under such security the value of any tithes which shall have been rendered

Power to declare lands discharged from tithes in certain cases after confirmation of the award or agreement for gross rent charge.

As to the time of commencing such rent charge.

Intermediate payments, &c. to be deducted.

in kind, and the amount of any payment in respect of tithes, or composition or rent as aforesaid, which shall have been made between such day and the date of such first payment of rent charge.

Leases of
tithes grant-
ed before
25th March
not to be
affected by
this act.

II. Provided also, and be it enacted, that nothing in this act shall extend or be construed to extend to annul or make void any lease or leases of tithes granted before the twenty-fifth day of *March*, and which shall end or determine on or before the first day of *January* next; and that in any parish or place where such lease or leases shall have been granted as aforesaid, no tithe payer shall be at liberty to make the application hereby authorized to be made, until after the expiration of such lease or leases respectively, except in respect of lands the tithes whereof are not included in such lease.

Notice of
declaration
to be pub-
lished.

III. And be it enacted, that the said commissioners shall, within ten days after the receipt of such application, cause notice thereof to be given to the tithe owner to whom such rent charge will be payable, and shall cause notice of such declaration to be twice published in some newspaper having circulation in the county where such parish is situated within twenty-one days from the date of such declaration, and from and after the expiration of such twenty-one days all the provisions of the said recited acts applicable to the rent charge payable after the confirmation of the apportionment shall be applicable to the rent charge payable by virtue of the provisions hereinbefore contained from the period fixed by any such declaration.

Provision for
land owner
paying esti-
mated pro-
portion of
rent charge
in aid of se-
curity.

IV. And be it enacted, that if any owner of lands, so discharged from such liability shall be desirous of paying, in exoneration of such security, the proportion of rent charge to which the whole of such lands, whether in his own occupation or in the occupation of any tenant, shall be liable, it shall be lawful for such owner to apply in writing to the valuer or valuers appointed to apportion such rent charge, at any time after they shall have subscribed the declaration required in that behalf in the said first recited act, and before the confirmation of the apportionment, and to demand of such valuer or valuers a statement of the probable amount of such proportion, and such valuer or valuers shall and he or they is or are hereby required to furnish the same accordingly, and shall distinguish therein the probable amount to which the whole of the lands in the occupation of any tenant under such owner would be liable; and on receipt thereof such owner may cause a copy of such statement, or an extract of such parts thereof as shall relate to the lands in the occupation of any tenant, who, but for such declaration of discharge, would be liable to the render or payment of tithe in respect of such lands, to be served on such tenant by leaving the same at his usual place of abode, with an undertaking subscribed thereto by such owner to pay the amount set forth in such statement in aid or exoneration of such security; and in every such case such tenant shall thenceforward be liable to pay to such owner, by way of additional rent, such estimated proportion at the half-yearly days of payment fixed in the award or agreement for payment of rent charge; and such owner shall be entitled to demand and recover the same as rent by all the usual remedies for recovery of rent in arrear, until the half-yearly payment falling due next after the confirmation of the apportionment: provided always, that it shall be

lawful for any such land owner or tenant, at any time within six months after the date of such confirmation, to apply to the said commissioners to take an account of the amount paid by any such tenant, and certify the amount of the difference, if any, between the amount so paid and the amount of rent charge calculated as finally apportioned on such lands for the same period as such estimated amount has been paid, and if the rent charge finally apportioned shall be greater than the amount so paid it shall be lawful for such owner to demand and recover the difference accordingly; but if such tenant shall have paid more than the amount of such rent charge, then it shall be lawful for such tenant, or (in case of his death) for his executors or administrators, to deduct the excess so verified as aforesaid from the next payment of rent accruing after the date of such certificate: provided also, that in the event of the expiration or other sooner determination of the period of tenancy before the confirmation of the appointment such excess shall be deemed a debt due to the tenant, his executors or administrators, and shall be recoverable in an action of debt to be brought against such land owner as aforesaid, or his personal representatives.

V. And be it enacted, that in every such case the production of such certificate as aforesaid, or of an office copy thereof sealed or stamped with the seal of the said commissioners, shall be sufficient evidence of the right to recover or retain the amount or excess in payment which shall appear by such certificate to have been made by the land owner or his tenant respectively.

Certificate of commissioners to be evidence of right of recovery, &c.

VI. And whereas it may happen that a tenant, being an occupier of lands, who shall, by virtue of the provisions of the said first recited act, be entitled to deduct the amount of any rent charge from the rent payable by him to his landlord, may be desirous of paying, in exoneration of such security as aforesaid, the proportion of rent charge to which the lands in his occupation shall be liable; be it enacted, that, upon the application in writing of any such tenant, the valuer or valuers shall, in like manner as aforesaid, furnish to such tenant a statement of the probable amount of such proportion of rent charge as aforesaid, and on receipt thereof the tenant may cause a copy of such statement to be served on his landlord by leaving the same at his usual place of abode, accompanied by a written notice of his intention to undertake the payment of such proportion of rent charge as aforesaid; and in case the land owner shall not, within twenty-one days after the service of such copy and notice, undertake, by some writing subscribed by him, or his agent lawfully authorized, and served in like manner as aforesaid upon the tenant, to pay the amount set forth in such statement, it shall be lawful for the tenant to undertake the payment thereof, and from time to time to deduct the amount paid by him from his rent until the period at which the half-yearly payment of rent charge to be made next after the confirmation of the apportionment shall have become due: provided always, that in every such case the provisions hereinafter contained for taking accounts between the person who shall have given such security as aforesaid and the owners of lands subject to the rent charge shall be applicable to the case of every such land owner from whose rental such deductions shall have been made as aforesaid.

Provision for occupying tenant paying (in the place of his landlord) estimated proportion of rent charge in aid of security,

Provision for recovery of such rent charge from persons giving security for same.

VII. And be it enacted, that in every such case, if the person liable under such security shall not make due payment to the person entitled to the same according to the tenor of such security, it shall be lawful for the said commissioners, from time to time, as and when any half-yearly payment of such rent charge shall accrue, and the same or any part thereof shall remain unpaid for the space of twenty-one days from any day fixed for payment thereof, and notwithstanding execution shall have been previously issued in respect of any former arrears, to sue for and recover any such half-yearly payment, or so much thereof as shall from time to time remain unpaid in respect thereof, against the person liable under such security, by taking out a summons, returnable before a judge of any of the superior courts of common law, to compute what is due in respect of such rent charge; and it shall be lawful for any judge of such courts, on hearing the parties, or such of them as shall appear, and on production of such security, and proof by affidavit of the amount so due as aforesaid, and of the service of such summons on such person or on any occupier of any of the lands of such person in any such parish, by delivery of the same personally, or by leaving the same at his place of abode, to order that it be referred to the masters of the court to compute what is due in respect of such security, and to tax the costs of such application, and all such orders shall have the effect of judgments in the superior courts of common law in like manner as rules of such courts, and execution may issue accordingly, and such security shall be available against such person liable under the same up to and including the half-yearly payment accruing due next before the confirmation of such apportionment, and shall be in full force notwithstanding any change in the party entitled to such rent charge.

Remedy for the land owner against whom execution has issued.

VIII. And be it enacted, that in every such case the said commissioners shall make due inquiry as to any payment of rent charge made by any such person in respect of such security previous to the confirmation of the apportionment of such rent charge, and shall endorse on such apportionment a certificate of such payment, and that the parties entitled to such rent charge have been duly paid the amount thereof according to the tenor of such security; and such person shall thereupon, after the confirmation of such apportionment, be entitled to recover the amount specified in such certificate as having been paid by him, against the lands of the said parish subject to such rent charge, in the proportions fixed for payment of rent charge by such apportionment, by distress and entry on such lands respectively, and shall have the like remedies or modes of recovery as are given to owners of rent charge for recovery thereof in the said recited acts or any of them: provided always, that if the owner or occupier of any such lands shall have contributed to the payment of such rent charge, or of any part thereof, or of the arrears thereof, under such security, or in exoneration thereof, it shall be lawful for him to take out a summons, returnable before any judge as aforesaid, to stay any proceedings taken by the person liable under such security as aforesaid, for the purpose of taking an account of what he shall have so contributed or paid in respect of such rent charge or arrears; and it shall be lawful for any judge as

Provision for taking accounts between the person giving security and the land owners liable to contribute thereto.

aforesaid to refer it to the masters of the court to take such account and make all just allowances between the parties; and if, on taking such account, such owner or occupier shall be found to have paid his due proportion, or any amount exceeding the same, according to the proportionate amount of rent charge fixed on such lands, then it shall be lawful for any judge as aforesaid to stay proceedings, and order payment, by the person liable under such security, of the amount, if any, so overpaid by such owner or occupier, as the case may require, and every such order shall have the effect of a judgment as aforesaid; but if on taking such account the whole or any balance shall be found due from such owner or occupier, then it shall be lawful for such judge to allow the same against such owner or occupier, whose lands shall thereupon be liable to the repayment thereof to the person liable under such security, and who shall be entitled to the said remedies in respect thereof accordingly; and the cost of every such proceeding shall be in the discretion of the judge hearing the same, and shall be added to the amount found due on such order, if he shall see fit so to direct: provided also, that no such security shall be available by the person liable under the same against any such lands for more than two years' payment or arrear of such rent charge, unless the said commissioners shall, previous to the expiration of two years from the date of such security, have enlarged the operation thereof for any period not exceeding twelve months, by endorsement thereon, under their hands or the hands of any two of them, and which they are hereby authorized to do if they shall so think fit.

Period for which security to be available against such owners.

IX. And be it enacted, that if such security shall be insufficient to meet the full amount of payments which shall accrue due in respect thereof, or the person liable under the same shall fail to make good the amount due thereon by the space of twenty-one days next after the date of the confirmation of the apportionment of such rent charge, it shall be lawful for the person entitled to the benefit thereof to recover the same against the lands of the said parish subject to such rent charge, in the proportions fixed in such apportionment, by the said remedies or modes of recovery given by the said recited acts, or either of them, in respect of rent charge fixed under any confirmed apportionment, in like manner as if the amount so due and in arrear had accrued subsequent to the confirmation.

If security insufficient, arrears may be recovered as if accruing after apportionment.

X. And be it enacted, that every security taken by the said commissioners, by virtue of the provisions of this act, and every assignment thereof, shall be free of stamp duty.

Security to be free of stamp duty.

XI. And whereas by the lastly recited act the said commissioners are empowered, by any award, or by a supplemental award, after a parochial agreement, in certain cases, and under certain provisions, to fix the sum to be paid in consideration of the time, if any, which may intervene between the termination of any previous agreement or composition for tithes and the time at which any such rent charge shall commence; and it is expedient to extend such power in manner hereinafter mentioned; be it enacted, that it shall be lawful for the said commissioners, at any time before the confirmation of the apportionment of any rent charge, to exercise the said powers so

Extension of power to fix sum to be paid after determination of composition.
2 & 3 Vict. c. 62, s. 10.

given to them for fixing the sum to be paid for such intervening time as aforesaid, by a supplemental award after an award.

Particulars
to be speci-
fied as to
payment of
such sum.

XII. And be it enacted, that when any such sum shall be fixed to be paid in consideration of such intervening time as aforesaid, either by parochial agreement or supplemental agreement, or by award or supplemental award, the parties by and to whom such sum is to be paid, and the lands in respect of which the same shall be payable, as also the proportionate amount to be paid by each party, shall be specified and set forth in the instrument fixing such sum, or in the instrument of apportionment to be made in pursuance thereof; and in default thereof such sum shall be payable by and to the parties and in the proportions fixed in such apportionment in respect of the rent charge therein provided for.

Extension of
power to fix
period for
commence-
ment of rent
charge.
2 & 3 Vict.
c. 62, s. 10.

XIII. And whereas by the said lastly-recited act the said commissioners are enabled by their award, and the tithe owners and land owners by a parochial agreement after an award, are enabled to fix the period at which the rent charge shall commence, and it is expedient to extend such power in manner hereinafter mentioned; be it enacted, that it shall be lawful for the commissioners, by supplemental award, to exercise the powers so given to them for fixing the period at which any rent charge shall commence, as well after an award as after a parochial agreement, where the same shall not have been previously fixed by any such award or agreement, or by any supplemental award or agreement, under the said recited acts, or either of them, or this act: provided always, that where the said commissioners shall not have fixed that the period at which any rent charge shall commence shall be the first day of *January* next following the confirmation of the apportionment, such period shall be fixed by them on the first day of *January* preceding such confirmation, or on the first day of *April*, the first day of *July*, or the first day of *October* preceding or following such confirmation, whichever of such days may happen nearest to the termination of any previous agreement or composition, or of any customary year of tithing in the parish or district to which such rent charge shall relate: provided also, that when any period of commencement shall have been so fixed by the said commissioners in any award or supplemental award, or any day preceding the date thereof, the commissioners shall cause due inquiry to be made as to the value of any tithes rendered in kind, and the amount of any payment in respect of tithe which shall have been made, subsequent to such period of commencement, and prior to the first day fixed for payment of such rent charge, and shall take into account and allow such value or amount to be deducted from such payment accordingly.

Extension of
powers to
substitute
fixed rent
charge in-
stead of con-
tingent rent
charge.
2 & 3 Vict.
c. 62, s. 11.

XIV. And whereas by the said lastly recited act powers are given to land owners and tithe owners, and also to the said commissioners, to substitute a fixed rent charge in certain cases instead of a contingent rent charge, where lands are partially exempted from the payment of tithes or rent charge by reason of having been parcel of the possessions of a privileged order, and it is desirable to extend such powers in manner hereinafter mentioned; be it enacted, that such power shall extend to all cases where, by reason of lands being partially exempted from the payment of tithes, by custom or otherwise,

or by being subject to a shifting or leaping modus, or other customary payment, or rendered due only on certain contingencies, a contingent rent charge has been already fixed, or would, according to the provisions of the said firstly recited act, be fixed in respect of such lands; and it shall be lawful for the said commissioners, with such consent of both land owners and tithe owners as in the said lastly recited act is required in that respect, at any time before the confirmation of the apportionment of any rent charge, by any award, or by a supplemental award, where an award or parochial agreement has been made before the passing of this act, or for the land owners or tithe owners, by a parochial agreement or supplemental agreement where a parochial agreement or award has already been made in respect of such lands, to exercise such powers, in such manner and subject to the same conditions as are given by the said lastly recited act in cases of lands formerly part of the possessions of a privileged order: provided always, and it is hereby declared, that nothing herein contained extends to cases of change of cultivation only, nor to cases of prescription relating to woodland.

XV. And whereas by the said lastly recited act certain provisions are made and powers given in respect of the tithes of lammas and common lands, which powers are to be exercised by the land owners and tithe owners by parochial agreement, or by a supplemental agreement after a parochial agreement, and by the commissioners by compulsory award, or by a supplemental award after an award; be it enacted, that such provisions may be carried into effect and such powers exercised, at any time before the confirmation of the apportionment of any rent charge, by the land owners and tithe owners by a supplemental agreement after an award, or by the commissioners by supplemental award after a parochial agreement.

Extension of powers in respect of lammas and common lands.
2 & 3 Vict. c. 62, s. 13.

XVI. And be it enacted, that in every case where it shall be the intention of the commissioners to proceed in any parish under this act by supplemental award after a parochial agreement, either to fix the period of the commencement of such rent charge, or to carry into effect the provisions and powers of the said lastly recited act in respect of the tithes of lammas and common lands, they shall cause the like notice of their intention to be given in such parish as is required by the said first recited act in the case of an award; and if at any time after giving such notice, and before the expiration thereof, any proceedings shall be had under the said recited acts, or either of them, or this act, by the land owners and tithe owners in such parish, towards making and executing any parochial agreement or supplemental agreement in respect of the matters specified in such notice, the commissioners shall refrain from acting on the same until the result of such proceeding shall appear.

Commissioners to give notice to proceed by supplemental award.

XVII. And be it declared and enacted, that so much of the said lastly recited act as relates to the vesting of an estate of inheritance as to any lands in any ecclesiastical tithe owner and his successors, notwithstanding the same be made by any corporation sole or aggregate, or any trustees or feoffees for charitable purposes, otherwise restrained from or incapable of making any such valid conveyance or assurance, extends to churchwardens and overseers, or to trustees or feoffees of parish property, or of property held by or vested in

Extension of powers of conveyance of lands under 2 & 3 Vict. c. 62, s. 21.

such trustees or feoffees for parochial or other uses or purposes in the nature of a parochial or public trust.

Power for parties to parochial agreement, and for commissioners, to declare the amount of extraordinary charge to be payable in respect of hop grounds, &c.

XVIII. And be it enacted, that in any case where the parties to a parochial agreement, or the commissioners in the case of an award, shall have proceeded, according to the provisions of the said recited acts, to ascertain and fix a rent charge in any parish wherein any of the lands shall at the time of making such agreement or award be cultivated as hop grounds or market gardens, and in case of proceeding by award when notice shall have been given that the tithes of any of the lands so cultivated should be separately valued, it shall be lawful for the said parties to declare in such agreement, or for the said commissioners to declare in such award, the amount of extraordinary charge per acre to be in future payable in respect of hop grounds and market gardens respectively in such parish or any district therein; and the rent charge mentioned in every such agreement or award respectively shall, subject to the addition of such acreable extraordinary charge, consist of the amount agreed for or awarded in respect of the tithes in such parish, other than the tithes of the lands cultivated therein as hop grounds and market gardens respectively, and the ordinary charge in respect of the lands so cultivated as hop grounds and market gardens respectively added thereto: provided always, that no such extraordinary charge shall be payable in respect of any such hop grounds and market gardens during the first year, and only half such extraordinary charge during the second year, in which they shall be newly cultivated as such, whether such new cultivation shall have commenced before or after the making of such parochial agreement or award as aforesaid.

Extraordinary rent charge need not be distinguished on separate lands in apportionment.

XIX. And be it enacted, that it shall not be necessary to distinguish in any apportionment the amount of extraordinary rent charge to be charged upon the lands of each individual land owner which shall be cultivated as hop grounds, market gardens, orchards, fruit plantations, or mixed plantations of hops and fruit, provided that the acreable amount of extraordinary charge for all the lands so cultivated respectively in any district which shall have been assigned, or in any parish where any extraordinary rent charge shall have been declared, previous to the confirmation of the instrument of apportionment, shall be inserted therein.

How half-yearly payments of rent charge to be regulated.

XX. And be it declared and enacted, that every half-yearly payment of rent charge under the said recited acts, or either of them, or this act, shall from time to time be regulated by the averages, published under the provisions of the said first recited act in the month of *January* next preceding every such half-yearly day of payment.

Instrument of apportionment to distinguish the amount of rent charge payable in respect of each close, &c.

XXI. And be it enacted, that unless a majority in value of the owners of lands included in any apportionment shall, by writing under their hands, request the commissioners to omit the same, the instrument of apportionment shall distinguish the amount or portion of rent charge payable in respect of the several closes of the said lands, and such closes shall be laid down in the map or plan annexed to such apportionment: provided always, that nothing in this provision contained shall apply to any instrument of apportionment the valuers for effecting which shall have been appointed previous to the passing of this act; and no such last mentioned instrument of

apportionment shall be deemed invalid if made in conformity with the instructions given to the valuers for making the same, although the amount of rent charge payable in respect of the several closes of land shall not have been distinguished therein, nor such closes laid down in the map or plan annexed thereto.

XXII. And be it enacted, that every occupier whose lands or goods shall be liable to distress in respect of any expenses chargeable under the said recited acts, or either of them, or this act, against any landlord or lessor of the lands in his occupation, shall be entitled to recover the amount of any such expenses which he shall pay, with interest on such payment from time to time at four *per centum per annum*, and may deduct the same from any rent or renewal fines payable to such landlord or lessor; and where the estate of such landlord or lessor in the lands in respect whereof such payment shall have been made shall be less than an immediate estate of fee simple or fee tail, or subject by settlement to any uses or trusts, he shall be entitled to charge such amount and interest upon such estate in like manner and subject to the same restrictions and provisions as are contained in the said recited acts or any of them in relation to owners of particular estates, or of estates settled to the same uses and trusts as the lands in respect of which such expenses have been incurred respectively.

For recovery of expenses in certain cases.

XXIII. And be it enacted, that every person, as defined in the said first recited act, who is empowered under the said recited acts or any of them, or this act, to charge upon his lands or rent charge any expenses of commutation payable by him, may exercise such powers, in the case of expenses incurred, as well in respect of the commutation of tithes payable to him as the owner thereof as of tithes to which any lands whereof he is owner are liable; and the word "lands" shall, in the construction of the said acts and of this act, be construed to extend to and include any income or sum receivable by or accruing to such person from redeemed land tax, or from fines or other sums of money payable on the renewal of any term or estate in lands, tithes, or rent charge holden of or by him to the same uses and upon the same trusts as the lands, tithes, or rent charge in respect of which such expenses of commutation are incurred.

Power to charge expenses of commutation in certain cases, on renewal fines, &c.

XXIV. And be it enacted, that notwithstanding any thing in either of the said acts contained, in all cases where under the said recited acts or any of them the said commissioners or any assistant commissioner may examine persons upon oath, and cause to be produced before them or him all books and other documents, as therein mentioned, relating to the commutation of tithes, the said commissioners or assistant commissioner may, by summons under their or his hand, require the attendance of and examine any party interested in the lands or tithes of any parish, or any other person, and require the production also of all deeds and documents in the custody or power of either party, and allow such portions only of them to be read as in their or his judgment shall be thought proper; and also that in all cases where under the said acts parties in a feigned issue are required to produce to each other, and their respective attornies or counsel, at such time or place as any judge may

Provision for discovery of books and documents relating to commutation 6 & 7 W. 4, c. 71, s. 10.

order before trial, and also to the court and jury upon the trial of such issue, all deeds, books, and other documents, as in the said act mentioned, relating to the matters in issue in their respective custody or power, the parties shall be obliged to produce only such documents, and such portions of them only shall be inspected or read, as the judge shall think proper, who may order the parties to discover the documents in their possession, upon oath, if he shall think fit; and it shall be lawful for the judge, and also for the commissioners or assistant commissioner, in the cases aforesaid respectively, to direct copies or extracts to be taken or furnished of the same documents, at the expense of the person requiring the same, at the rate of sixpence for every common law folio: provided always, that in no case shall any person be compellable to produce any part of the deeds or documents in his possession which relate to the title to the property therein referred to, but only such parts thereof as relate to the matter immediately in issue; and such person may, if he see fit, withhold any such deeds or documents, or any portion thereof, on making an oath that the deeds or documents or parts thereof so withheld do not relate to the matter so in issue as aforesaid.

Gardens or lawns of small extent may be exempted from rent charge.

XXV. And whereas in many cases tithe owners have, during the seven years of average prescribed by the said first recited act, forborne to take the tithes of lands used and occupied as gardens, lawns, or the like, or compositions in lieu thereof, on account of such lands being of small extent, and the tithes thereof being of inconsiderable value: be it enacted, that where in such cases the tithes of a parish or district have been commuted, whether by a parochial agreement or by a compulsory award, and it shall be shown to the satisfaction of the said commissioners that the rent charge or rent charges specified in the said agreement or award has or have been based upon the average value of the tithes of the said parish or district during the said seven years of average, exclusive of any tithes in respect of such gardens, lawns, or such like small holdings, according to the provisions of the said first recited act, and that no part of the said rent charge or rent charges has been agreed to be given or awarded in respect of the tithes of such gardens, lawns, or other such like small holdings, it shall be lawful for the said commissioners, if they think fit, to order and direct that no part of the said rent charge or rent charges shall be apportioned upon such gardens, lawns, or other such like small holdings.

The commissioners to cause a new apportionment to be made in cases in which the apportionment shall have included tenements from which no tithe has been taken during seven years previous to Christmas 1835.

XXVI. And whereas it hath happened that in cases where, during the seven years of average prescribed by the said first recited act, tithes shall not have been demanded of certain tenements, by reason of their small extent or of the small amount of such tithes, such tenements have notwithstanding been included in the apportionment of the rent charge for the parish, whereby the occupiers of such tenements have become liable to have their goods distrained upon, and the tithe owner has been subjected to much increased difficulty and expense in the collection of the rent charge, contrary to the true intent and meaning of the said first recited act; and it is therefore expedient, under certain restrictions, to give relief in such cases; be it enacted, that in any such case in which the apportionment shall have included any number of small tenements,

exceeding in the whole one hundred, from which tenements no tithe or composition for tithe shall have been demanded or taken (notwithstanding their liability thereto) during the period of seven years next preceding *Christmas* in the year one thousand eight hundred and thirty-five, it shall be lawful for the commissioners, and they are hereby authorized, if they shall see fit, upon the application in writing of any ten or more of the owners or occupiers of such small tenements, or of the tithe owner, and after satisfactory proof shall have been given that no part of the rent charge has been agreed to be given or awarded in respect of the tithes of such small tenements, to cause a new apportionment to be made of the said rent charge, and to order and direct that no part thereof shall be apportioned upon such small tenements; and the provisions in the said first recited act contained for hearing and determining objections to apportionments, and for rendering the same, or any map or plan therein referred to, final and conclusive, shall be and are hereby respectively made applicable to every such new apportionment; and, subject to such provisions, such new apportionment shall commence and take effect from the half-yearly day of payment of the said rent charge which shall happen next before the confirmation of the same apportionment: provided always, that no payment of such rent charge, or right to arrears thereof, which shall have become due or accrued on or before the said half-yearly day of payment, nor any remedy in case of non-payment, shall in anywise be affected by any such new apportionment.

XXVII. And be it enacted, that the costs of and attending every such new apportionment shall be paid and borne by the parties making such application, in such proportions as the commissioners shall direct, and shall be recoverable in like manner as the costs of any apportionment under the said first recited act; and as to any part of such costs as may be borne by the tithe owner, such tithe owner, being an ecclesiastical beneficed person, may charge or assign the rent charge as a security for the repayment of such costs in like manner as for the costs of the commutation under the said act.

Provision for the costs of new apportionment.

XXVIII. And whereas by the said last recited act powers are given to the said commissioners or any assistant commissioner, upon the application in writing of not less than two thirds in number and value of the land owners in any parishes or townships, to set out and define the boundaries of such parishes or townships in manner in the said act provided; and it is expedient to extend such power in manner hereinafter mentioned; be it enacted, that it shall be lawful for the said commissioners, or assistant commissioner, but at the sole discretion of the said commissioners, and only in such manner as they shall see fit and proper, to exercise all and every the powers so given by the said lastly recited act relating to boundaries of parishes or townships, on the application in writing of two thirds in number and value of the land owners of any one parish, place, or township whose boundary shall be in question, notwithstanding the land owners in the parish, place, or township adjoining such boundary shall not join in such requisition: provided always, that in every such case the said commissioners or assistant commissioner shall, twenty-one days at least before proceeding to make inquiry

Commissioners may adjudicate parochial boundaries on requisition of land owners of any parish. 2 & 3 Vict. c. 62, secs. 34 & 35.

and adjudicate on such question of boundary, cause a notice to be sent by the post, or otherwise given, addressed to the churchwardens and overseers, and also to the surveyors of the highways of every parish, place, or township adjoining such boundary, of the intention of the said commissioners or assistant commissioner to proceed on the question of such boundary, and shall specify in such notice a time and place of meeting so to proceed therein, and shall annex to each copy of such notice a copy of the application of the land owners requiring the commissioners to make such inquiry and adjudication, and shall also cause a copy of such notice to be inserted, once at least in two successive weeks previous to the day of such meeting, in some newspaper having circulation in the county where such parish, place, or township is situated; and no assistant commissioner shall proceed in any such inquiry without exhibiting at such meeting the papers containing the advertisement of such notice, and also a certificate, under the hands of the said commissioners, or any one or two of them, of one copy of such notice having been respectively sent to such churchwardens and overseers, and a copy to such surveyors as aforesaid; and the assistant commissioner shall thereupon proceed in all respects, and his proceedings shall be as valid and binding, as if the said inquiry had been instituted on the application in writing of two thirds in number and value, as well of the land owners of the parish, place, or township to which such notice shall have been so sent, as of the parish, place, or township causing such inquiry to be instituted: provided nevertheless, that upon the application in writing, addressed to the said commissioners during the interval of such twenty-one days, of not less than two-thirds in number and value of the land owners in any parish, place, or township adjoining such boundary, and not being parties to any such application as aforesaid, objecting to the said commissioners or assistant commissioner proceeding under the same in the matter of such boundary, all proceedings which shall have been instituted upon the application of such single parish, place, or township under this act shall forthwith be stayed.

Proviso.

This act to be taken as part of the recited acts, and of 1 & 2 Vict. c. 64.

XXIX. And be it enacted, that this act shall be taken to be a part of the said recited acts, and also of an act passed in the second year of the reign of her present majesty, intituled *an act to facilitate the merger of tithes*; and in the construction of this act, unless there be something in the subject or context repugnant to such construction, the several words used in this act shall have and bear the same interpretation as is given to such words respectively in the said acts or either of them; and whenever a word importing the singular number or masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as one matter or thing respectively and the converse.

Act may be amended, &c.

XXX. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

4 & 5 VICTORIA, CAP. 36.—*An act to amend an act of the fifth and sixth years of king William the fourth, for the more easy recovery of tithes; and to take away the jurisdiction from the ecclesiastical courts in all matters relating to tithes of a certain amount.*—Whereas it is

expedient to extend all the provisions of an act passed in the fifth and sixth years of his late majesty king *William* the fourth, intituled *an act for the more easy recovery of tithes*, to all suits in the ecclesiastical courts hereafter to be commenced for the recovery of any tithes, oblations, or compositions of or under the yearly value of ten pounds, and of any great or small tithes, moduses, compositions, rates, or other ecclesiastical dues or demands whatsoever, of or under the value of fifty pounds, withheld by any *Quaker*: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act all the enactments and provisions of the said recited act passed in the fifth and sixth years of his late majesty king *William* the fourth, respecting suits or other proceedings in any of her majesty's courts in *England*, in respect of tithes, oblations, and compositions of or under the yearly value of ten pounds, and of any great or small tithes, moduses, compositions, rates, or other ecclesiastical dues or demands whatsoever, of or under the value of fifty pounds, withheld by any *Quaker*, shall extend and be applied to all ecclesiastical courts in *England*.

Provisions of recited act as to proceedings for recovery of certain tithes and other ecclesiastical dues extended to all ecclesiastical courts in *England*.

5 VICTORIA, CAP. 7, SEC. 2.—*An act to continue until the thirty-first day of July one thousand eight hundred and forty-two such laws as may expire within a limited period.*

II. Whereas by an act passed in the seventh year of the reign of his late majesty, intituled *an act for the commutation of tithes in England and Wales*, it was among other things enacted, that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person appointed under the said act, should hold his office for a longer period than five years next after the day of the passing of the said act, and thenceforth until the end of the then next session of parliament; and that after the expiration of the said period of five years, and of the then next session of parliament, so much of the said act as authorizes any such appointment should cease: and whereas it is expedient that the said commission should be further continued: be it enacted, that so much of the last recited act as is hereinbefore recited shall be repealed; and that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person so to be appointed, shall hold his office for a longer period than until the thirty-first day of *July* one thousand eight hundred and forty-two; and after the said thirty-first day of *July* so much of the last recited act as authorizes any such appointment shall cease.

Commissioners appointed under 6 & 7 W. 4, c. 71, to continue in office only until the 31st July 1842.

5 & 6 VICTORIA, CAP. 54.—*An act to amend the acts for the commutation of tithes in England and Wales, and to continue the officers appointed under the said acts for a time to be limited.*—Whereas by an act passed in the seventh year of the reign of his late majesty, intituled *an act for the commutation of tithes in England and Wales*, it was among other things enacted, that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person appointed under the said act, should hold his office for a longer period than five years next after the day of the passing of the said

6 & 7 W. 4, c. 71.

5 Vict. c. 7.

Last recited
act in part
repealed.Continuance
of tithe com-
mission.Agreements
may be made
pending
proceedings
towards an
award.Parties may
make a sup-
plemental

act, and thenceforth until the end of the then next session of parliament; and that after the expiration of the said period of five years and of the then next session of parliament so much of the said act as authorizes any such appointment should cease: and whereas by an act passed in the last session of parliament it was among other things provided, that so much of the last recited act as is hereinbefore recited should be repealed, and that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person so to be appointed, should hold his office for a longer period than until the thirty-first day of *July* one thousand eight hundred and forty-two; and that after the said thirty-first day of *July* so much of the last recited act as authorizes any such appointment should cease: and whereas it is expedient that the said commission be further continued; be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said last recited act as is hereinbefore recited shall be repealed, except so far as it repeals any part of the first recited act; and that no commissioner or assistant commissioner, secretary, assistant secretary, or other officer or person so appointed or to be appointed shall hold his office for a longer period than the thirty-first day of *July* in the year one thousand eight hundred and forty-seven, and to the end of the then next session of parliament.

II. And whereas by the first recited act power is given to the land owners and tithe owners of any parish to make and execute an agreement for the commutation of the tithes of that parish as therein specified; and power is also given to the said commissioners, after the first day of *October* in the year one thousand eight hundred and thirty-eight, to make compulsory awards for the commutation of tithes in any parish in which no such agreement shall have been made as aforesaid, and confirmed by the said commissioners: and whereas doubts have been entertained whether, pending the proceedings toward a compulsory award, the land owners and tithe owners can make and execute a voluntary agreement which, if confirmed by the said commissioners, shall be valid, and it is expedient that such doubts be removed; be it declared and enacted, that a parochial agreement for the payment of a rent charge instead of tithes, as provided by the said act, may be made in the manner therein specified, at any time before the confirmation of any award for the commutation of the tithes of the same parish; and such agreement may contain provisions for declaring how the expenses of the parties, or any of them, shall be defrayed, which shall have been incurred in contesting the award; and every such agreement, whether made before or after the passing of this act, if confirmed by the commissioners, shall be as valid as if made and executed before any proceedings had been taken toward making a compulsory award, and shall have the effect of making null and void all the proceedings toward such compulsory award, or incident thereunto, except so far as the same shall be adopted in such agreement.

III. And be it enacted, that in all cases where no time is fixed by any award or agreement commuting the tithes of a parish for the

commencement of the rent charge or rent charges therein awarded or agreed upon, it shall be lawful, notwithstanding that the apportionment of the said rent charge or rent charges may have been confirmed for the land owners and tithe owners, having such an interest in the land and tithes of the parish as is required for making a parochial agreement, to enter into a supplemental agreement for fixing the period at which the rent charge or rent charges to be paid under such award or agreement shall commence: provided always, that such supplemental agreement shall be of no force or effect unless the same shall be confirmed by the said commissioners under their hands and seal; and a copy of every such supplemental agreement shall be deposited with the registrar of the diocese, and in the parish, in like manner as instruments of apportionment are deposited under the said first recited act.

agreement as to commencement of rent charge.

Such agreement to be confirmed, and a copy deposited.

IV. And whereas by the first recited act power is given to the said commissioners to make awards in cases reserved for special adjudication, having regard to the average rate which shall be awarded in respect of lands of the like description and similarly situated in the neighbouring parishes: and whereas it sometimes happens that voluntary agreements for the commutation of tithes have been made in the greater part of such neighbouring parishes; be it enacted, that, in awarding the rent charge in any case so reserved, the commissioners shall be empowered to have regard to the average rate of commutation in respect of lands of the like description and similarly situated, not only in the neighbouring parishes in which there has been an award by the commissioners, but also in those in which there has been a parochial agreement for the commutation of tithes.

In making special adjudication an account may be taken of parochial agreements.

V. And whereas it will be beneficial to both tithe owners and land owners if the tithe commissioners are empowered to define the glebe lands in those cases in which the quantity of glebe is known, but cannot be identified, and also to exchange the glebe lands or part thereof for other land; be it enacted, that for the purpose of defining and settling the glebe lands of any benefice, on the application of the spiritual person to whom the same belongs in right of such benefice, and with the consent of the land owner or land owners having or claiming title to the land so defined as glebe, and being in possession thereof, the tithe commissioners shall, during the continuance of the commission, as well before as after the completion of any commutation, have the same powers which they have for ascertaining, drawing, and defining the boundaries of the lands of any land owners on their application; and also upon the like application of any spiritual person the said commissioners shall have power to exchange the glebe lands, or any part thereof, for other land within the same or any adjoining parish, or otherwise conveniently situated, with the consent of the ordinary and patron of the benefice and of the land owner or land owners having or claiming title to the land so to be given in exchange for the glebe lands, and being in actual possession thereof as aforesaid, such consent to be testified as their consent under the first recited act is testified to any thing for which their consent is therein required; and in every such case the tithe commissioners shall make an award in like manner as awards are made under the first recited act, setting forth the contents, description,

Powers for defining and exchanging glebe.

and boundary of the glebe lands as finally settled by them, and of the lands awarded to the several parties to whom any lands theretofore part or reputed part of the glebe lands are to be awarded; and every such award shall have all the incidents of an agreement confirmed by the said commissioners for giving land instead of tithes, and in every case of exchange shall operate as a conveyance of the lands theretofore part or reputed part of the glebe lands to the several persons to whom the same shall be awarded, and to their heirs and successors, executors and administrators, as the case may be; and such lands shall thereupon be holden by the same tenure, and upon the like uses and trusts, and subject to the like incidents, as the land awarded as glebe in exchange for the same was formerly holden; and the expense of so defining, exchanging, and settling any glebe lands shall be borne in such manner as the tithe commissioners shall think just.

Extending
power of
giving land
for tithes.

VI. And whereas the power of giving land instead of tithes has been found beneficial to both tithe owners and land owners, but such power has been inoperative in a great degree by reason that the land owners by giving land instead of vicarial tithe cannot free their lands from the liability to rectorial tithe, and the converse; be it enacted, that it shall be lawful for any tithe owner, with the consent of the patron and ordinary in the case of spiritual tithes, to be testified as their consent under the first recited act is testified to any thing for which their consent is therein required, and subject in that case to the limitation of quantity of land provided by the first recited act, and subject to the approval of the tithe commissioners, to agree for the assignment to any other owner of tithes issuing out of the same lands of so much of his tithes arising within the same parish, or of the rent charge agreed or awarded to be paid instead of such tithes, as shall be an equivalent for the tithes belonging to such other tithe owner issuing out of the same lands, or for the rent charge agreed or awarded to be paid instead thereof, for the purpose of enabling any land owner who shall be desirous of giving land instead of tithes to free his lands, or any part thereof, from both rectorial and vicarial tithes, and from the payment of any rent charge in respect thereof; and every such agreement shall be carried into effect by means of an award or supplemental award, to be made by the said commissioners either before or after the confirmation of the apportionment, in like manner as awards or supplemental awards are made by them pursuant to the powers vested in them before the passing of this act.

Confirmation
of old agree-
ments for
giving land
for tithes.

VII. And be it enacted, that where any agreement shall have been made before the passing of the first recited act for giving land or money, or both, instead of tithes or glebe or commonable or other rights or easements, which is not of legal validity, and such lands or money, or both, shall appear to the commissioners to be a fair equivalent for the said tithes or glebe, or rights or easements, they shall be empowered to confirm and render valid such agreement; and in case the same shall not appear to be a fair equivalent, the said commissioners shall nevertheless be empowered to confirm such agreement, and also to make an award for such rent charge, which with the said land or money, or both, will be a fair equivalent for

the said tithes or glebe, or rights or easements, and, subject to such confirmation and award, to extinguish the right of the tithe owners to the perception of the said tithes, or his title to the said glebe rights or easements, or to the receipt of any rent charge instead thereof, other than the rent charge awarded over and above the lands or money, or both, so confirmed to them.

VIII. And be it enacted, that in every case in which any spiritual person shall have died or vacated his benefice before exercising the powers vested in him of borrowing money for the purpose of defraying so much of the expenses of commutation as is to be defrayed by him, and of charging the rent charge with the repayment of the money borrowed, it shall be lawful for the tithe commissioners, with the consent of the ordinary, to borrow money for that purpose, and to charge the repayment thereof upon the rent charge, or so much thereof as they, with the like consent, shall think just, with interest thereupon, and for that purpose to assign the rent charge in like manner as such spiritual person, if living or in possession of his benefice, could himself have done; and the person in whose favour such charge shall have been made, and his assigns, shall have the like remedies for enforcing payment of the principal and interest of the money so borrowed, in case of any arrear in payment of the said charge, as if such charge had been made by the person so dying or vacating his benefice.

Power to charge expenses of commutation on benefices extended.

IX. And be it enacted, that in all cases, whether the tithes of any parish have been commuted or not, where any question as to the liability of any lands to the render of tithes, or as to the existence of any modus or composition real, or prescriptive or customary payment or any claim of exemption from or non-liability to the payment of tithes in respect of any lands, shall have been heard and determined by the said commissioners, or by any assistant commissioner under their direction, it shall be lawful for the said commissioners or any assistant commissioner, after the time for appeal to a court of law from the said determination has elapsed, or in case there has been such appeal, after the judgment of the court on such appeal, to make an award, founded on the decision of the said commissioners or assistant commissioner, or the judgment of any court of law to which appeal shall have been made from the decision of the said commissioners or assistant commissioner, for the determination of all questions of arrears of tithes claimed in any suit which may be pending in any court of equity for the purpose of trying, as to the same lands, such liability, or the legality of such claim, modus, composition, or customary payment, and of the liability of any of the parties to payment of the costs of the proceedings in such suit, for which purpose they respectively shall have all the powers which under the said recited acts or any of them they have for ascertaining the value of the tithes of such lands; and such award shall have the effect of the verdict of a jury, on an issue directed by the court of chancery satisfactory to the judge or court directing the same, and shall be received by the court of chancery as conclusive evidence of the liability or non-liability of such lands, and of the amount of such arrears, and of the liability of the several parties to the payment of costs in such suit; and any order of the court of chancery made

For settling questions of arrears and costs in suits in equity.

thereon shall be binding on all parties, and no appeal to any other judge or court shall be brought against such order.

The act 2 & 3 W. 4, c. 100, not to have any operation as to any award to the commissioners in certain cases.

X. And be it enacted, that where any question is or shall be brought for the decision of the tithe commissioners or any assistant commissioner, relative to any of the matters mentioned in an act passed in the third year of the reign of his late majesty, intituled *an act for shortening the time required in claims of modus decimandi or exemption from or discharge of tithes*, as to which any such suit shall have been commenced and shall be pending as would have prevented the operation of the said recited act, such recited act shall not have any operation as to any award or decision respecting such question to be made by the said tithe commissioners or any assistant commissioner.

Provision for fixing the same days of payment of all parts of the same rent charge.

XI. And be it enacted, that in any parish where any rent charge has been agreed or awarded to be paid instead of tithes, and security has been given for payment of such rent charge, and the lands in such parish have been discharged from payment or render of tithes or composition, or rent in the nature thereof, instead of tithes, before the apportionment of such rent charge, it shall be lawful for the tithe commissioners, by a declaration in writing under the hands of any two of them, and their seal of office, to fix the same half-yearly days of payment of the whole rent charge after apportionment thereof; and in consideration that the payment of some sums will be thereby accelerated, and the payment of other sums will be thereby deferred and retarded, to make such alterations and allowances in the payments to be made in the first year after the apportionment, both by way of interest for every sum of which payment will be thereby deferred, and by way of discount to be allowed for every sum of which payment will be thereby accelerated, as to the commissioners shall seem just.

Power to owner of rent charge to let land taken under writ of possession.

XII. And be it enacted, that it shall be lawful for any owner of rent charge, having taken possession of any land for nonpayment of the rent charge under the provisions of the first recited act, from time to time during the continuance of such possession to let such land, or any part thereof, for any period not exceeding one year in possession, at such rent as can be reasonably obtained for the same; and the restitution of such land, on payment or satisfaction of the rent charge, costs, and expenses, shall be subject and without prejudice to any such tenancy.

Power in certain cases to use tithe commutation maps for parochial purposes.

XIII. And be it enacted, that it shall be lawful for any board of guardians of any parish or union, with the consent of the poor law commissioners, and subject to such conditions as the said poor law commissioners may prescribe, to pay out of the rates of any parish any portion of the cost of making or providing any map or plan which shall have been confirmed under the hands and seal of the tithe commissioners, or any other sum of money by way of consideration for the use of the said map or plan, for the purpose of estimating the net annual value of property in respect of which rates may be assessed for the relief of the poor; and after the tithe commissioners shall have certified in writing that such money has been paid, the overseers of the parish, or any person authorized by them in writing, or any officer of the said board of guardians, or any person authorized by them in writing, shall at all reasonable times have access to the

copy of the said map or plan deposited with the incumbent and church or chapel wardens of the parish, or other persons approved by the said tithe commissioners, and may inspect and make copies or extracts from the said copy, without paying any thing for such access or inspection, or for making such copies or extracts.

XIV. And whereas by the first recited act power is given for altering apportionments of rent charge by the commissioners of land tax, on the application of the owner of the lands charged therewith, and it is expedient that the power thereby given should be extended, and also that during the continuance of the tithe commission the like power should be vested in the tithe commissioners; be it enacted, that if at any time after the confirmation of any instrument of apportionment it shall appear that the lands charged with one entire rent charge belong to or have become vested in several owners, and that any of the owners of such lands shall be desirous that the apportionment thereof should be altered, it shall be lawful for the commissioners of land tax for the county or place where the said lands are situated, or any three of them, to appoint, by notice under their hands, a time and place for hearing the parties to such application, and all other parties interested therein; and upon satisfactory proof of such notice having been served on all parties interested full twenty-one days before the day of hearing, to proceed to alter the apportionment in such manner and in such proportion amongst the said lands as to them shall seem just, subject nevertheless to the consent of two justices of the peace, as in the said first recited act provided; and further, that upon such application being made to the said tithe commissioners, they shall have the same power of making such alteration as by the said first recited act and by this act is vested in the commissioners of land tax, and that without any such consent of two justices of the peace; provided, that no alteration of any apportionment shall be made under the first recited act or this act whereby any rent charge shall be subdivided, so that any subdivision thereof shall be less than five shillings.

Power to
alter appor-
tionments.

XV. And whereas it is expedient to make further provision for recording all such alterations of apportionment; be it enacted, that the registrar of every diocese, as soon as conveniently may be after the passing of this act, shall cause to be made and sent to the office of the tithe commissioners a copy, certified under his hand, of every instrument of altered apportionment in his custody, which was made before the passing of this act, the reasonable cost of making and sending which copy shall be defrayed by the tithe commissioners as part of the expense of putting in execution the acts for the commutation of tithes; and after the passing of this act three counterparts shall be made of every instrument of altered apportionment at the expense of the land owner desiring the alteration; and two of the said counterparts shall be sent as provided by the first recited act, and the third shall be sent to or deposited in the office of the tithe commissioners, or, after the expiration of the tithe commission, shall be sent to and kept by the person having custody of the records and papers of the said commission, and shall be annexed to the instrument of apportionment in the custody of the said commissioners, or the person having the custody of their records and papers.

Copy of in-
strument of
altered ap-
portionment
to be sent to
tithe office.

Remedy for
enforcing
payment of
contribution
to rent
charge.

XVI. And be it enacted, that in case any land charged with one amount of rent charge shall belong to two or more land owners in several portions, and the owner of any one of such portions, or his tenant, shall have paid the whole of such rent charge, or any portion thereof greater than shall appear to him to be his just proportion, and contribution thereto shall have been refused or neglected to be made by any other of the said land owners, or his tenant, after a demand in writing made on them, or either of them, for that purpose, it shall be lawful for any justice of the peace acting for the county or other jurisdiction in which the land is situated, upon the complaint of any such land owner, or his tenant or agent, to summon the owner so refusing or neglecting to make contribution, or his tenant, to appear before any two or more of such justices of the peace, who, upon proof of the demand and of service of the summons, as hereinafter provided, whether or not the party summoned shall appear, shall examine into the merits of the complaint, and determine the just proportion of the rent charge so paid as aforesaid which ought to be contributed by the land owner of such other portion of the said land, and by order under their hands and seals shall direct the payment by him of what shall in their judgment be due and payable in respect of such liability to contribution, with the reasonable costs and charges of such proceedings, to be ascertained by such justices; and thereupon it shall be lawful for the complainant to take the like proceedings for enforcing payment of the said amount of contribution and costs, and with the like restriction as to the arrears recoverable, as are given to the owner of the rent charge by the said first mentioned act or this act for enforcing payment of the rent charge.

Service of
summons,
&c.

XVII. And be it enacted, that service of the said demand in writing, and summons, or of any notice to distrain, or copy of writ to assess the arrears of rent charge, or notice of the execution thereof under the said first recited act, or the several acts to amend the same, or this act, upon any person occupying or residing on the land chargeable with the rent charge, or in case no person shall be found thereon, then affixing the same in some conspicuous place on the land, shall be deemed good service of any such summons, notice, writ, or other proceeding.

Provision
for general
avowry in
actions of
replevin for
rent charge.

XVIII. And be it enacted, that it shall be lawful for all defendants in replevin, brought on any distress for rent charge payable under the said first recited act, or the several acts to amend the same, or this act, to avow or make cognizance generally that the lands and tenements whereon such distress was made were chargeable with or liable to the payment of a certain yearly amount of rent charge under the provisions of the statutes for the commutation of tithes in *England* and *Wales*, which rent charge, or some part thereof, was in arrear and unpaid for the space of twenty-one days next after some half-yearly day of payment thereof, and after ten days notice in writing, as required by the said acts, and that a certain amount of such rent charge, according to the prices of corn, as directed by the said acts, was at the time of the said distress due to the person entitled to the rent charge.

Irregularity
not to vitiate
proceedings.

XIX. And be it enacted, that where any distress shall be made for any rent charge payable under the said recited acts or any of them,

or this act, and justly due, and any irregularity or unlawful act shall be afterwards done by the party distraining, or his agent, in the conduct, sale, or disposition of the distress, the distress itself shall not be therefore deemed to be unlawful, nor the party making it deemed a trespasser from the beginning, but the party aggrieved by such unlawful act or irregularity may recover full satisfaction for the special damage in the action upon the case; provided nevertheless, that no plaintiff shall recover in any action for any such unlawful act or irregularity, if ten days' notice in writing shall not have been given to the defendant by the plaintiff of his intention to bring such action before the commencement thereof, or if tender of sufficient amends has been made by the party distraining, or his agent, before such action brought, or if after action brought a sufficient sum of money shall have been paid into court, with costs, by or on behalf of the defendant.

XX. And be it enacted, that this act shall be construed with and as part of the first recited act, as amended by the several acts passed for the amendment thereof and by this act; and that all provisions in any of the said acts relating to land of copyhold tenure shall apply to land of customary tenure, or any other tenure subject to arbitrary fine; and that all provisions in the said acts or in this act relating to glebe land shall apply to all land holden by any spiritual person in right of his benefice.

Act to be construed with 6 & 7 W. 4, c. 71.

Application of certain provisions.

XXI. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

Act may be amended, &c this session.

9 & 10 VICTORIA, CAP. 73.—*An act further to amend the acts for the commutation of tithes in England and Wales.*—Whereas an act was passed in the session of parliament held in the sixth and seventh years of the reign of his late majesty king *William* the fourth, intituled *an act for the commutation of tithes in England and Wales*, and the said act has been amended, and the provisions thereof have been extended, by acts passed in the sessions of parliament held in the first year, the second and third years, the third year, and the fifth and sixth years of the reign of her present majesty: and whereas an act was passed in the session of parliament held in the first and second years of her present majesty, intituled *an act to facilitate the merger of tithes in land*: and whereas it is expedient that the said acts should be amended as hereinafter mentioned: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where, under any agreement or award which has been or hereafter shall be confirmed by the commissioners, the amount of the rent charge agreed or awarded to be paid instead of the tithes of any parish shall not exceed the sum of fifteen pounds, and shall not have been apportioned, or the apportionment of such rent charge shall not have been confirmed by the commissioners, it shall be lawful for the owners of the land chargeable therewith, or any of them, with the consent of the person or persons for the time being entitled to the receipt thereof, or, in the case of an infant, feme covert, or lunatic, with the consent of the guardian, husband, or committee of the estate of the person so under disability, to

6 & 7 W. 4, c. 71.

1 & 2 Vict. c. 61.

Power to land owners to redeem a rent charge not apportioned where the amount does not exceed fifteen pounds.

redeem such rent charge on payment, in manner hereinafter mentioned, (within such time as the commissioners shall in each case limit in this behalf), of a sum of money not less than twenty-four times the amount of such rent charge.

Upon payment of the consideration money, commissioners to certify that the parish is discharged of tithes.

II. And be it enacted, that in every case in which any such rent charge, not exceeding fifteen pounds as aforesaid, has been or shall be awarded to be paid, the commissioners shall give notice, in such manner as they shall think fit, of the time within which it shall be lawful for the owners of the land charged therewith, or any of them, to redeem such rent charge; and when it shall appear to the commissioners that the consideration money for the redemption of such rent charge as aforesaid shall have been paid, according to the provisions of this act, within the time limited by them in this behalf, or within any enlarged time which the commissioners may by any order under their hands and seal allow for that purpose, no apportionment of the rent charge shall be made, but the commissioners shall, by a certificate under their hands and seal, certify that such rent charge has been redeemed, and that the parish is discharged of such rent charge, and of the tithes in lieu of which such rent charge was agreed or awarded to be paid, as from such time as the commissioners shall think reasonable and declare, and such parish shall be thenceforth discharged according to the terms of such certificate.

Power to redeem rent charge erroneously apportioned on lands not chargeable therewith.

III. And be it enacted, that in every case in which, by any instrument of apportionment confirmed under the provisions of the said acts, any rent charge or portion of rent charge has been or shall have been (by reason of error as to boundary or otherwise) charged on lands not within the parish in respect of the tithes of which the aggregate rent charge the apportionment of which shall have been so confirmed was agreed or awarded to be paid, such rent charge or portion of rent charge so charged on lands not within the parish shall be redeemable on payment by the owners of the lands charged with the residue of such aggregate rent charge, or any of them, of a sum of money equal to twenty-four times the amount of the rent charge or portion of rent charge hereby made redeemable, and it shall be lawful for the commissioners before they shall proceed to direct a new apportionment to give notice that the rent charge or portion of rent charge so erroneously apportioned on lands not within the parish may be redeemed, under the provisions of this act, within a time in such notice to be limited in this behalf.

After redemption of the rent charge erroneously apportioned, the apportionment of the remainder to be valid.

IV. And be it enacted, that when it shall appear to the commissioners that the consideration money for the redemption of the rent charge or portion of rent charge so charged by such instrument of apportionment on lands not within the parish shall have been paid, according to the provisions of this act, within the time which shall have been limited by the commissioners in this behalf, or within any enlarged time which the commissioners may by order under their hands and seal allow for that purpose, and that the arrears thereof (if any) have been paid, the commissioners shall under their hands and seal certify that such rent charge or portion of rent charge has been redeemed, and thenceforth, except as respects the lands so erroneously charged, and the rent charge or portion of rent charge apportioned thereon, the apportionment and charges made by such

instrument of apportionment shall be valid and effectual in such and the same manner as if the aggregate rent charge had originally consisted only of the sum of the portions charged on the lands within the parish, and had been apportioned on such lands, and no others, in the portions in the instrument of apportionment expressed.

V. And be it enacted, that in every case in which, under any confirmed instrument of apportionment or any altered apportionment under the powers of the said acts, the whole amount of the rent charge or separate portion of rent charge with which the lands of any owner shall be charged in respect either of all tithes or of any kind of tithes payable to separate tithe owners shall be a sum not exceeding twenty shillings, it shall be lawful for such owner at his option, and with the consent of the person or persons for the time being entitled to the receipt thereof, or, in the case of an infant, feme covert, or lunatic, with the consent of the guardian, husband, or committee of the estate of the person so under disability, at any time to redeem such rent charge or separate portion of rent charge on payment, according to the provisions of this act, of such a sum of money as shall be not less than twenty-four times the amount of the rent charge or portion of rent charge; and after payment of such consideration money according to the provisions of this act the commissioners shall certify that such rent charge or portion of rent charge has been redeemed, and the same, from and after the payment of the half-yearly portion of such rent charge or portion of rent charge which shall next accrue due subsequently to the time of the payment of such consideration money, shall cease and be extinguished: provided always, that no such redemption as last aforesaid shall extinguish or affect any extraordinary rent charge which would become payable in respect of such land upon any change of the cultivation thereof.

Separate rent charges, not exceeding twenty shillings in amount, may be redeemed after apportionment.

Extraordinary charge not to be affected.

VI. And be it enacted, that in every case in which a rent charge is redeemable under the provisions of this act, the commissioners shall, upon the request of the owners of lands chargeable with such rent charge or any of them, certify under the hands and seal of the commissioners the sum of money in consideration of which such rent charge may be redeemed; and when it shall appear to the commissioners that payment or tender of such consideration money had been duly made, it shall be lawful for the commissioners to certify that such rent charge has been redeemed under the provisions of this act, and such certificate shall be final and conclusive: provided that if any consideration money shall be paid for the redemption of a rent charge to a person not entitled under the provisions of this act to receive the same, the land which was charged with such rent charge before the redemption thereof shall be charged in equity with the payment of such consideration money to the person rightfully entitled thereto as if the same were purchase money for such land remaining unpaid; but the same remedies may be had against the person who shall have wrongfully received such money as purchasers are entitled to by the rules of law and equity.

Commissioners to certify the amount of consideration money for redemption.

VII. And be it enacted, that where the person entitled to a rent charge redeemable under the provisions of this act shall be absolutely entitled thereto in fee simple in possession, or shall be enabled

Consideration money for redemption, how payable.

to dispose of the fee simple in possession independently of the provisions of this act, and shall not be a spiritual person entitled in respect of his benefice or cure, or a corporation prevented from aliening such rent charge otherwise than under the provisions of this act, a payment or tender to the person so entitled, or to the proper officer of the corporation so entitled, of the sum of money certified by the commissioners as aforesaid, shall be deemed a due payment of the consideration money; and in every other case the payment of the sum of money so certified according to the provisions hereinafter contained shall be deemed a due payment of the consideration money.

Consideration for redemption of rent charges payable to spiritual owners to be paid to governors of queen Anne's bounty, to be applied in augmentation of benefices.

VIII. And be it enacted, that the consideration money for the redemption under this act of any rent charge agreed or awarded to be paid or payable under any apportionment to any spiritual person in respect of his benefice or cure shall be paid to the "Governors of queen Anne's bounty for the augmentation of the maintenance of the poor clergy," and such consideration money shall be applied and disposed of by the said governors as money in their hands appropriated for the augmentation of such benefice or cure should by law and under the rules of the said governors be applied and disposed of; and the receipt of the treasurer of the said governors shall be a sufficient discharge for such consideration money, and the person paying the same to such treasurer shall not be concerned to see to the application or disposal thereof.

Consideration money in case of owners under disability, how payable.

IX. And be it enacted, that in all other cases in which the person for the time being entitled to any rent charge or apportioned rent charge subject to be redeemed under the provisions of this act shall be only entitled thereto for a limited estate or interest therein, or shall be under any disability, or shall be a corporation not authorized to make an absolute sale of such rent charge otherwise than under the provisions of this act, the consideration money to be paid for the redemption thereof shall be applied in manner hereafter provided; (that is to say), shall, at the option of the person for the time being entitled as aforesaid, be paid into the bank of *England* in the name and with the privity of the accountant general of the court of chancery, to be placed to his account there *ex parte* the tithe commissioners, pursuant to the method prescribed by any act for the time being in force for regulating monies paid into the said court, and such monies shall remain so deposited until the same be applied to some one or more of the following purposes; (that is to say), in the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the rent charge in respect of which such money shall have been paid, or the tithes for which the same shall have been substituted, or affecting other hereditaments settled therewith, to the same or the like uses, trusts, or purposes; or in the purchase of other lands, to be conveyed, limited, and settled upon the like uses, trusts, purposes, and in the same manner, as the rent charge for redemption of which such money shall have been paid stood settled; or in payment to any party becoming absolutely entitled to such money; and such money may be so applied as aforesaid upon an order of the court of chancery made on the petition of the party who would have been entitled to the receipt of the rent

charge in respect of which such money shall have been deposited; and until the money can be so applied it may, upon the like order, be invested by the said accountant general in the purchase of three *per centum* consolidated or three *per centum* reduced bank annuities, or in government or real securities, and the dividends thereof paid to the party who would for the time being have been entitled to the rent charge in case the same had not been redeemed, or otherwise such consideration money may be paid, at the like option of the person for the time being so entitled, to the trustees acting under the will, conveyance, or settlement under which such person having such limited interest shall be entitled to or interested in such rent charge, or if there are no such trustees, then into the hands of trustees to be nominated under the hands and seal of the said commissioners; and the money, when so paid to such trustees, shall be applied by the said trustees, with the consent of the said commissioners, in the manner hereinbefore directed concerning any money to be paid for redemption into the bank of *England* in the name and with the privity of the said accountant general; and upon every vacancy in the office of such trustee some other fit person shall be appointed by the said commissioners in like manner.

X. Provided also, and be it enacted, that when any consideration money so to be paid as last hereinbefore mentioned shall not exceed the sum of twenty pounds for the redemption of all the rent charge which shall be redeemable under this act, and shall not be payable to the governors of queen *Anne's* bounty as aforesaid, the same shall be paid, if the said commissioners shall so direct, to the person for the time being entitled to the rent charge, for his own use and benefit, or in case of coverture, infancy, idiotcy, lunacy, or other incapacity of the person for the time being entitled, then such money shall be paid, for the use of the person so entitled, to the husband, guardian, committee, or trustee of such person; and in case any dispute shall arise as to the proper application, appropriation, or investment of any money according to the intention of this act, it shall be lawful for the said commissioners to decide such question, and their decision shall be final and conclusive thereon.

As to consideration money under £20.

XI. And be it enacted, that every owner of an estate in land less than an immediate estate in fee simple or fee tail, or which may be settled upon any uses or trusts, may, with the consent of the commissioners, or in such manner as they shall direct, charge so much of the consideration money and other monies payable in respect of the redemption of a rent charge, or any part thereof, with interest after the yearly rate of four pounds by the hundred upon the lands of such owner which would have been subject to such rent charge, or to an apportioned part thereof, but so, nevertheless, that the charge upon such land shall be lessened in every year after the redemption of such rent charge by one-twentieth part at least of the whole original charge thereon.

Power to persons entitled for limited interests to charge expenses of redemption.

XII. And be it enacted, that every certificate of the commissioners of the redemption of a rent charge under the provisions of this act shall be under the hands and seal of the commissioners, and shall show the amount of the consideration money for the redemption thereof, and to whom or in what manner the same shall have been

Commissioners' certificates of redemption to show amount of consideration for the same.

paid; and copies of every such certificate shall be made, and sealed with the seal of the commissioners, and shall be deposited in the like custody and in like manner as by the said first recited act is provided concerning every confirmed instrument of apportionment; and copies of and extracts from any copy of such certificate shall be furnished in like manner as copies of any copy of a confirmed instrument of apportionment; and every recital or statement in any such certificate, or in any sealed copy thereof, shall be evidence of the matters therein recited.

Alteration of apportionment may be made after enclosure, &c.

XIII. And be it enacted, that where lands now charged or hereafter to be charged with rent charges or portions of rent charges under confirmed instruments of apportionment have been or shall be (after the confirmation of such apportionment) inclosed or divided, allotted or exchanged, by agreement or award made under the powers of any general or local act of inclosure (or otherwise), in such manner that the apportionment shall appear to the commissioners to be inconvenient with reference to the altered distribution of the land among the several owners thereof, it shall be lawful for the commissioners, upon the application of the owners of such lands, or the majority in number and value of such owners, or upon the application of the person or persons entitled to such rent charges or portions of rent charges, or any of them, to make or confirm an altered instrument of apportionment adapted to the altered distribution of the lands, in order that the rent charges or portions of rent charges originally charged on the several portions of land which shall have been taken or allotted away from the former owners on such inclosure, division, allotment, or exchange shall be charged on the lands which shall have been allotted or received in the way of substitution or compensation for the lands so taken or allotted away from the former owners thereof, or as near thereto as circumstances will admit; and every such altered apportionment, when confirmed under the hands and seal of the commissioners, shall be valid as from the date of such confirmation, and shall be taken to be an amendment of the original apportionment.

Such alteration when confirmed, to be valid.

Expenses of alteration of apportionment shall be borne by owners of lands to which it shall relate.

XIV. And be it enacted, that all the expenses of the altered apportionment last aforesaid shall be borne by the owners of the lands to which such altered apportionment shall relate, and shall be recovered in the same manner as expenses chargeable on the same owners in or about the making of an original apportionment of the sum of the rent charges charged on the same lands respectively would have been recoverable; and all the provisions of the said acts in relation to such of the expenses of or incident to making an apportionment of a rent charge as are payable by the owners of the land included therein shall extend and be applicable to the expenses of such altered apportionment.

Supplemental apportionment of a rent charge as made payable to one owner in respect of tithes belonging to several owners or held

XV. And be it enacted, that where by any agreement or award made under the provisions of the said acts a rent charge has been or shall have been agreed or awarded to be paid to any person in lieu of any tithes, and after the apportionment of such rent charge shall have been made and confirmed under the provisions of the said acts it shall appear that some tithes included in the aggregate tithes in lieu of which such rent charge shall have been so agreed

or awarded to be paid, or some portion or undivided share of some tithes so included, were or was at the time of such agreement or award the property of some person other than the person to whom the same rent charge was so agreed or awarded to be paid, or that the whole of the tithes included in the aggregate in respect of which such rent charge was agreed or awarded to be paid were not held by the person to whom such rent charge was so agreed or awarded to be paid in the same right and for the same estate, or were not subject after the determination of the estate of such person to the same limitations or estates legal and equitable, it shall be lawful for the commissioners in any of the cases aforesaid, in pursuance of or in accordance with the decree or direction of a court of equity of competent jurisdiction, or on the request in writing of the parties who for the time being in case there had been no commutation would have been the owners of all the tithes included in such aggregate, to make or confirm a supplemental award or apportionment of such rent charge in such manner that, without altering the aggregate amount of rent charge to which any owner of land may be subject, separate rent charges or separate portions of rent charge may be made payable to the parties who would have been owners of the tithes in case they had not been extinguished in lieu of the several tithes or portions of tithe included in such aggregate which would belong to different persons, or be held in different rights, or be subject to different limitations or estates; and by such supplemental award and apportionment the commissioners, if they shall so think fit, may apportion or award to be paid to one of the respective owners, or to the owner in lieu of one of his respective rights, the whole of any rent charges payable under the original instrument of apportionment out of specific lands, instead of dividing each rent charge made payable in lieu of the aggregate of the tithes of each parcel of land between or among the owners of the separate tithes arising out of such parcel; and such supplemental award and apportionment, when confirmed by the commissioners under their hands and seal, shall take effect from the half-yearly day of payment which shall happen next after the confirmation thereof.

XVI. And be it enacted, that where by any confirmed agreement or award a rent charge shall have been agreed or awarded to be paid instead of the tithes of any parish, or of any of such tithes, and before the apportionment of such rent charge shall have been confirmed it shall appear to the commissioners that by reason of any question or doubt which after the confirmation of such agreement or award shall be raised or shall exist in respect of any actual or supposed exemption from tithes, modus, composition real, or prescriptive or customary payment, applicable only to a part of the lands in such parish, or by reason of any other question or doubt whatsoever applicable only to a part of the lands in such parish, or by reason of any question or doubt touching the boundaries of such parish, it cannot be immediately ascertained whether the agreement or award might require any and what rectification in respect of the matters to which such question or doubt shall relate, it shall be lawful for the commissioners by a separate award by way of supplement to the agreement or award to declare that the lands to which such doubt or question

in separate
rights.

Commissioners empowered to declare that lands to which doubts have arisen, shall be considered a separate district for commutation, and the residue of the parish to remain subject to the original award.

shall be applicable shall be considered a separate district for the commutation of the tithes thereof, and that the residue of the parish, or the parish exclusively of the lands to which the question or doubt touching boundaries may be applicable, shall remain subject to the agreement or original award, with such variation as in the award by way of supplement shall be directed; and the commissioners, in case they shall find that in estimating or fixing the amount of the rent charge so agreed or awarded to be paid any sum was included or added in respect of the lands which they shall have directed to be considered a separate district, shall declare what sum was so added, and shall direct the residue of the rent charge, after deducting such sum, to be apportioned on the lands composing the residue of the parish, or on the parish exclusively of the lands which they shall have formed into a separate district; but if they shall find that by reason of exemption or supposed exemption or otherwise no sum was so included or added in respect of the lands which they shall have formed into a separate district, they shall direct the whole of such rent charge to be apportioned on the lands comprising the residue of the parish, or on the parish exclusively of the lands which they shall have formed into a separate district; and all awards by way of supplement under this section shall be subject to the provisions of the said act of the session of parliament holden in the second and third years of the reign of her majesty, concerning the separate awards by way of supplement to a parochial agreement or award.

Place of deposit of copy of confirmed apportionment may be altered by quarter sessions.

XVII. And be it enacted, that where the place of deposit of the copy of a confirmed instrument of apportionment which by the said act of the session of parliament holden in the sixth and seventh years of the reign of king *William* the fourth is directed to be deposited with the incumbent and church or chapel wardens for the time being, or such other fit person as the commissioners shall approve, shall be alleged to be inconvenient to the majority of the persons interested therein, or otherwise inconvenient or unsafe, it shall be lawful for any person interested in the lands or rent charge to which such apportionment shall relate to apply to the court of general quarter sessions of the peace for the county, riding, division, or place in which such place of deposit shall be situate for an order for the deposit of such copy in some more convenient or secure custody or place, and fourteen days notice in writing of every such application shall be given to the persons in whose custody such copy shall at the time of such application be deposited; and it shall be lawful for the court at the quarter session for which such notice shall be given to hear and determine such application in a summary way, or they may, if they think fit, adjourn it to the following session: and upon the hearing of such application the court may, if they think fit, order such copy to be removed from the custody of the persons with whom the same shall have been deposited, and to be deposited with such other persons or in such other custody as the court having reference to the security and due preservation of such copy, and to the convenience of the parties interested therein, may think fit, and may make such order concerning the notice to be given of such removal and deposit, and concerning the costs of such application, or of any opposition thereto, as they may think reasonable.

XVIII. And be it enacted, that where by any agreement or award already made or hereafter to be made a rent charge shall have been agreed or awarded to be paid instead of the tithes of any parish, or instead of any of such tithes, and shall not have been apportioned, it shall be lawful for the person who under the provisions of the said recited acts would have been enabled in case such agreement or award had not been made to merge the tithes in lieu of which such rent charge shall have been agreed or awarded to be paid, or such of the same tithes as were payable out of part of the said lands, by any deed or declaration, to be made in such form as the commissioners shall approve, and to be confirmed under their hands and seal, to declare that the tithes which he would have been so entitled to merge shall, so far as respects all the lands, or, if he shall think fit, so far as respects only any specified part of the lands out of which the same were payable, and the rent charge or portion of rent charge which shall have been awarded or ought to be apportioned in lieu thereof on such lands, or specified parts of such lands, as the case may be, shall be merged, and such merger shall take effect accordingly; and in case such merger shall extend to all the lands which would have been chargeable with such rent charge, no apportionment of such rent charge shall be made under the provisions of the said recited acts; but in case such merger shall extend to part only of the lands which would have been chargeable with such rent charge, then such portion of the rent charge shall be apportioned among the other lands which would have been chargeable with such rent charge as such other lands would have been subject to in case such merger had not taken place; and the owner of the land to which such merger shall extend shall pay such portion of the expenses of or incident to the apportionment as the commissioners or any assistant commissioner may under the special circumstances order to be paid by such owner, instead of the rateable proportions to which he would have been liable in case the whole of such rent charge had been apportioned.

Tithes or
rent charge
in lieu there-
of may be
merged after
agreement
or award, but
before appor-
tionment.

XIX. And be it enacted, that all powers relating to the merger and extinguishment of any tithes, or rent charge instead thereof, may be executed by a person entitled in equity to such tithes or rent charge in all respects and with the same consequence as he could have done if he had been legally entitled thereunto; and every instrument already executed and purporting to be made in pursuance of the powers of the said acts or any of them by any person so entitled in equity shall in every respect be as effectual and have the same consequence as if he had been legally entitled to the said tithes or rent charge at the time of the execution of such instrument, subject nevertheless in every case to any charge, incumbrance, or liability which lawfully or equitably existed on such tithes or rent charge to the extent of the value of such tithes or rent charge; and any such charge, incumbrance, or liability shall have such priority, and the lands and the owners thereof for the time being shall be liable in the same manner in respect of such rent charge, incumbrance, or liability, or of any penalty or damages for nonpayment or nonperformance thereof respectively, as by the said act of the session of parliament held in the second and third years of the

Powers re-
lating to the
merger, &c.
of any tithes
may be exe-
cuted by a
person enti-
tled inequity

reign of her present majesty is provided in the case of such merger or extinguishment as therein mentioned; and every instrument purporting to merge any tithes or rent charge, and made with the consent of the said commissioners before the passing of this act, shall be hereby absolutely confirmed and made valid both at law and in equity in all respects, subject nevertheless to any charge, incumbrance, or liability in all respects as is lastly hereinbefore provided.

1 & 2 Vict.
c. 64, to be
construed as
part of the
tithecommu-
tation acts,

XX. And be it enacted, that the said act of the session of parliament holden in the first and second years of the reign of her majesty shall be construed with and as part of the first recited act as amended by the several acts passed for the amendment thereof and by this act.

Decisions
concerning
boundary
not appealed
against to be
valid not-
withstanding
informality.

XXI. And be it enacted, that in every case in which the judgment or determination of the commissioners or of any assistant commissioner already given respecting the boundary of any parish, township, district, or lands shall not have been removed into the court of queen's bench by *certiorari* within the time limited in that behalf, such judgment or determination shall be valid and conclusive notwithstanding any want of form in such judgment or determination, or in the award in which the same may be set forth, and although it may not appear on the face of such award, judgment, or determination, or otherwise, that the commissioners or assistant commissioner had jurisdiction in relation to such boundary.

Glebe lands
may be ex-
changed al-
though no
commutatton
be pending.

XXII. And be it enacted, that the provisions of the said act of the session of parliament holden in the fifth and sixth years of the reign of her majesty for the exchange of glebe lands for other lands shall authorize and be deemed to have authorized the exchange of glebe lands for other lands, although at the time of such exchange, or of the applications in relation thereto, no proceedings for or concerning the commutation of tithes in the parish in which such glebe lands may be situate shall have been pending, and whether the commutation of tithes in such parish shall or shall not have been completed.

Act to be
construed
as part of
6 & 7 W. 4,
c. 71., &c.
Act may be
amended, &c.

XXIII. And be it enacted, that this act shall be construed with and as part of the first recited act as amended by the several acts passed for the amendment thereof and by this act.

XXIV. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

SPACE LEFT

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

TITHES, IRELAND.

48 GEORGE 3, CAP. 47.—*An act for quieting possessions and confirming defective titles in Ireland, and limiting the right of the crown to sue in manner therein mentioned; and for the relief of incumbents in respect of arrears due to the crown, during the incumbency of their predecessors.*—Whereas by an act, passed in the ninth year of his present majesty's reign, intituled *an act to amend and render more effectual an act made in the twenty-first year of the reign of king James the first, intituled an act for the general quiet of the subjects against all pretences of concealment whatsoever*, it was enacted, that the king's majesty, his heirs and successors, should not implead for any manors, lands, or hereditaments whereon the right to such lands, manors or hereditaments did not or should not have accrued within sixty years next before the commencement of any suits instituted in respect of the same: and whereas it is expedient to limit in like manner the right and title of his majesty, his heirs and successors, in and to all manors, lands, tenements, rents, tithes and hereditaments (except liberties and franchises) in *Ireland* to sixty years next before the commencement of any suit or proceeding for the same, and to secure to all his majesty's subjects the free and quiet enjoyment of all manors, lands, tenements, rents, tithes, and hereditaments which they or those under whom they claim respectively have held or enjoyed, or whereof they have taken the rents, revenues, issues or profits for the space of sixty years next before the commencement of any suit or proceeding for the same; wherefore be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the king's majesty, his heirs or successors, shall not at any time hereafter sue, impeach, question or implead any person or persons, bodies politic or corporate in *Ireland*, for or in anywise concerning any manors, lands, tenements, rents, tithes, or hereditaments whatsoever (other than liberties or franchises) or for or in anywise concerning the revenues, issues, or profits thereof, or make any title, claim, challenge or demand of, in, or to the same or any of them, by reason of any right or title which hath not first accrued or grown, or which shall not hereafter first accrue or grow within the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission or other suit or proceeding, as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, unless his majesty, or some of his progenitors, predecessors, heirs or successors, or some other person or persons, bodies politic or corporate, under whom his majesty, his heirs or successors, any thing hath or lawfully claimeth, or shall have or lawfully claim, have or shall have been in the actual seizin thereof, or have or shall have been answered by force and virtue of any right or title to the same, the rents, revenues, issues,

Brit. act,
9 G. 3, c. 16,
amending
21 Jac. 1, c. 2.

His majesty shall not sue (in Ireland) for any estate when the right hath not accrued, nor shall first accrue, within 60 years before the commencement of such suit.

The subject
quieted on
possession of
sixty years.

or profits thereof, or the rents, issues, or profits of any honors, manors, or other hereditaments, whereof the premises in question shall be part or parcel, within the said space of sixty years, or that the same have or shall have been duly in charge to his majesty, or some of his progenitors, predecessors or ancestors, heirs or successors, within the said space of sixty years: and that all and every person or persons, bodies politic and corporate, their heirs and assigns, and all claiming by, from, or under them or any of them, for and according to their and every of their several estates and interests which they have or claim to have, or shall or may have or claim to have in the same respectively, shall at all times hereafter quietly and freely have, hold, and enjoy, against his majesty, his heirs and successors, claiming by any title which hath not first accrued or grown, or which shall not hereafter first accrue or grow within the said space of sixty years, all and singular manors, lands, tenements, rents, tithes and hereditaments whatsoever (except liberties and franchises) which he or they, or his or their or any of their ancestors or predecessors, or those from by or under whom they do or shall claim, or shall have held or enjoyed or taken the rents, revenues, issues or profits thereof by the space of sixty years next before the filing, issuing or commencing of every such action, bill, plaint, information, commission or other suit or proceeding, as shall at any time or times hereafter be filed, issued or commenced for recovering the same, or in respect thereof, unless his majesty, or some of his progenitors, predecessors or ancestors, heirs or successors, or some other person or persons, bodies politic or corporate, by, from, or under whom his majesty, his heirs or successors, any thing hath or lawfully claimeth, or shall have or lawfully claim in the said manors, lands, tenements, rents, tithes, or hereditaments, by force of any right or title have or shall have been in the actual seizin thereof, or have been or shall have been answered by virtue of any such right or title, the rents, revenues, issues, or other profits thereof, within the said space of sixty years, or that the same have or shall have been duly in charge as aforesaid within the said space of sixty years.

In what
cases the
rents and
profits of es-
tates shall be
deemed in
charge.

II. Provided always, and be it enacted, that where the rents, revenues, issues or profits of any manors, lands, tenements, tithes or hereditaments are or shall be in charge, by, to, or with any auditor or auditors, or proper officer or officers of the revenue, such rents, revenues, issues and profits shall be held, deemed and taken to be duly in charge within the intent and meaning of this act; any usage or custom to the contrary notwithstanding.

Reversions
or remain-
ders in the
crown of any
lands shall
not be im-
peached by
this act, till
sixty years
after the de-
termination
of the parti-
cular estate.

III. Provided always, that this act or any thing herein contained shall not extend to bar, impeach, or hinder his majesty, his heirs or successors, of, for, or from any manors, tenements, rents, tithes or hereditaments, whereof any reversion or remainder now is in his majesty, for or concerning the said reversion or remainder, nor of, for, or from any reversion or remainder or possibility of reversion or remainder in any of his majesty's progenitors, predecessors or ancestors, which by the expiration, end, or other determination of any limited estate of fee simple, or of any fee tail or other particular estate, hath or ought to have first fallen or become in possession, or which shall or may or ought hereafter first to fall or come in pos-

session within the space of sixty years next before the filing, issuing or commencing of any such action, bill, plaint, information, commission, or other suit or proceeding, or shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof; nor of, for, or from any right or title first accrued or grown to his majesty, or any of his progenitors, predecessors or ancestors, or which shall first accrue or grow to his majesty, or any of his heirs or successors, of, in, or to any manors, lands, tenements, rents, tithes or hereditaments, at any time or times within the space of sixty years next before the filing, issuing, or commencing of any such action, bill, plaint, information, commission, or other suit or proceeding, as shall at any time or times hereafter be filed, issued or commenced for recovering the same or in respect thereof, and not before.

IV. Provided also, and be it enacted, that all and singular the said manors, lands, tenements, tithes and hereditaments, shall at all times hereafter be holden of his majesty, his heirs and successors, and of other person or persons, bodies politic and corporate, their heirs and successors respectively, by the same tenures, services, fee farms, chief rents, quit rents, heriots, and other duties, to all intents and purposes as the same should or ought of right to have been holden if the estates, rights and interests established and made sure by this present act had been before the making of this act firm and effectual in law: saving to every person and persons, bodies politic and corporate, their heirs and successors (other than his most excellent majesty, his heirs and successors) all such rights, title, interest, estate, rents, commons, customs, duties, profits, and other claims and demands whatsoever, into or out of the said manors, lands, tenements, tithes or hereditaments, as they or any of them had or ought to have had before the passing of this act; any thing in this act to the contrary notwithstanding.

Lands shall be holden of the crown upon the usual tenures, services, and duties.

V. Provided also, and be it enacted, that where any fee farm rent, or other rent or rents have been or shall be answered and actually paid to the king's majesty, or to any of his predecessors, heirs or successors, within the space of sixty years next before any action, bill, plaint, information, commission, or other suit or proceeding shall at any time or times hereafter be filed, issued or commenced for recovering the same, or in respect thereof, out of any manors, lands, tenements, tithes, or hereditaments, of which manors, lands, tenements, tithes, or hereditaments, the estates, rights or interests being defective, are established and made sure by this present act, that his majesty, his heirs and successors, shall from henceforth for ever have, hold, and enjoy the said rents and arrearages thereof in such manner and form and as fully and as amply as the same are or were enjoyed at any time within the said space of sixty years.

Where rents shall be paid to the king within sixty years, they shall remain payable.

VI. And be it further enacted, that in all cases where any rents or other dues in the nature or lieu of rents now are or shall hereafter become due and payable to his majesty, his heirs and successors, out of or chargeable upon any rectories, vicarages, curacies or other ecclesiastical benefices, or payable by the rectors, vicars, curates, or other ecclesiastical persons, the incumbents thereof respectively having respectively actual cure of souls, such rectors, vicars, curates,

Incumbents of benefices shall not be liable to arrears of crown rents accrued before their incumbency.

or other ecclesiastical persons, or any of them, shall not be subject or liable to, or compellable to pay or satisfy to his majesty, his heirs or successors, any arrear or arrears of such rent or rents, or other dues which shall have accrued or shall hereafter accrue due and payable before the accruing of the title of such rector, vicar, curate or other ecclesiastical person to such rectories, vicarages, curacies or other ecclesiastical benefices aforesaid; and that no distress, action, suit or other proceeding whatsoever shall be made, brought, commenced or prosecuted against any such rector, vicar, curate, or other ecclesiastical person during his life, or against his lands, tenements, goods or chattels after his death, for any such arrear or any part thereof.

1 GEORGE 4, CAP. 40.—*An act to amend and explain an act, passed in the parliament of Ireland in the thirty-ninth year of his late majesty, to enable certain persons to recover a just compensation for the tithes withheld from them in the years one thousand seven hundred and ninety-seven and one thousand seven hundred and ninety-eight.*—Whereas by 39 G. 3, (1.) an act passed in the parliament of Ireland in the thirty-ninth year of the reign of his late majesty king George the third, intituled *an act to enable all ecclesiastical persons and bodies, rectors, vicars and curates, and impropriators, and those deriving by, from or under them, to recover a just compensation for the tithes withheld from them in the years one thousand seven hundred and ninety-seven and one thousand seven hundred and ninety-eight, against such persons as were liable to the same*, it was amongst other things enacted, that all leases or demises of tithes which should be made or executed at any time after the passing of the said act, by any person or persons who was or were himself or themselves entitled to such tithes solely by virtue of a lease or leases executed to him or them by ecclesiastical persons or bodies, rectors, vicars and curates, or impropriators, other than leases or demises of the tithes to the actual occupiers of the lands subject and liable to the payment of the tithe demised, should be utterly null and void: and whereas doubts have arisen and are entertained, whether, under the said provision of the said act, persons are not incapacitated to make such leases, though bound so to do under and by virtue of covenants made and entered into previous to the passing of the said act, to the great injury and oppression of the persons entitled to the benefit of the said covenants: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that nothing in the said act shall extend or be taken to extend to make null and void any lease of tithes made or executed, or hereafter to be made and executed, under and by virtue of any covenant which was *bona fide* made and entered into previous to the passing of the said act; nor to incapacitate any person or persons from making and executing any lease or leases in pursuance of such covenant as aforesaid.

Leases covenanted for previous to recited act made valid.

3 GEORGE 4, CAP. 125.—*An act to enable ecclesiastical persons and others, in Ireland, to grant leases of tithes, so as to bind their successors.*—Whereas it is desirable to render the incomes of ecclesiastical persons in Ireland more certain in their amount, and more

easy of collection, and to avoid controversies respecting the same, and to encourage the industry and enterprise of farmers and occupiers of land; and the permitting leases of tithes to be made by ecclesiastical persons for terms of years certain, and to be binding on their successors, may have a tendency to produce the said good effects, and may, under proper restrictions, be just and expedient: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *September* one thousand eight hundred and twenty-two, it shall and may be lawful to and for all and every archbishops, bishops, deans, deans and chapters, archdeacons, prebendaries or other dignitaries ecclesiastical, and for all parsons, rectors, vicars, chapters, vicars choral and all other ecclesiastical persons and bodies corporate, of whatsoever rank and description in *Ireland*, and to and for every lay impropiator or person entitled to any impropriate tithes or portions of tithes, to demise and lease for any term of years, not exceeding twenty-one years, to any person or persons seized or possessed of the lands out of which such tithes shall be issuable respectively, having any freehold title or interest, or any interest for a certain term of years, in such lands, or to the person or persons having a reversionary interest of the like nature in such lands expectant on any term not exceeding seven years, or expectant on any freehold interest not exceeding one life, or to such persons jointly, or to any person or persons having any freehold interest, or any interest for a certain term of years, vested and in possession jointly with any person or persons having a reversionary interest immediately expectant upon such interest vested and in possession, all and every or any tithes or portions of tithes, predial or mixed, payable or belonging to such ecclesiastical dignitaries, persons or bodies corporate respectively, by virtue and in right of their ecclesiastical dignities, preferments or benefices respectively, or payable to any such lay impropiator respectively, in manner and under the regulations, restrictions and conditions hereafter specified and set forth; any thing in any act or acts in force in *Ireland* to the contrary in any wise notwithstanding.

Ecclesiastical persons, &c. may lease tithes to persons in possession of lands out of which such tithes are issuable for the term and upon the conditions herein mentioned

II. And be it further enacted, that every such lease or demise shall be made by indenture; and that where such lease shall be made by the incumbent of any benefice, presentative or donative, the patron of such benefice, or the committee or guardian of the estate of such patron, if such patron shall be a minor or lunatic, or the king's attorney general if the king shall be the patron, shall be a party consenting thereto, such consent to be signified before the execution of such indenture or the counterpart thereof, by endorsement on such indenture and counterpart subscribed by such patron, or by such committee, guardian or attorney general respectively, with the day and year on which such consent shall be signified; and that every such indenture shall be signed and sealed by all the parties thereto, and that a counterpart of such indenture shall be signed and sealed in like manner; and that in every such indenture and counterpart there shall be contained a full and sufficient description, by metes and bounds, of the lands subject to the tithes thereby

Lease by indenture:

patron to be party consenting.

Indenture and counterpart signed, &c. with map

of lands
chargeable
with tithes.

Rent best
annual value
without fine.

Consent of
ordinary in-
dorsed before
execution, on
all leases.

Memorial of
lease to be re-
gistered with
registrar of
diocese.

Oath of at-
testing wit-
ness.

Indenture,
counterpart
and memo-
rial produced
to registrar.

Fee for re-
gistry.

Fee for in-
spection or
copy.

demised, and a statement of the parish and county; and if in a county at large, then of the barony or half barony in which such lands shall lie; and to every such indenture and counterpart there shall be annexed a map or terre chart or ground plan of the said lands so subject to the said tithes so demised; and that the rent reserved and made payable in and by every such lease shall be made payable during the whole term of such lease, and shall be the best annual value of such tithes that can be had or gotten for the same at the time of making such lease, without fraud or covin, and without any fine, premium or foregift being taken or received by or paid to the lessor of such tithes.

III. And be it further enacted, that every such lease which shall be made by any dean or other ecclesiastical dignitary, or parson or incumbent of lower rank, or by any ecclesiastical body corporate, shall be made with the consent and approbation of the ordinary of the diocese; and that before the execution of such indenture of demise, or the counterpart thereof, the consent and approbation of the said ordinary shall be endorsed on such indenture and counterpart, and shall be subscribed by such ordinary with his name and the day and year on which such consent and approbation shall be signified.

IV. And be it further enacted, that a memorial of every such indenture of lease, with such map or terre chart or ground plan thereto annexed, shall be lodged in the registry of the diocese within which the lands out of which the tithes demised by such lease shall be issuable, shall lie and be situate, within six calendar months next after the date and execution of such lease; and that such memorial shall be written upon vellum or parchment, and directed to the registrar of such diocese, and shall be under the hand and seal or hands and seals of some one or more of the parties to such indenture of lease, and shall be attested by one of the witnesses to such indenture of lease, and such witness shall, by affidavit at the foot of such memorial, made before the said registrar (who is hereby empowered and required to administer the same) prove the signing and sealing of such memorial, and the execution of such indenture and counterpart, by one at least of the parties thereto respectively, and also the signature of the patron and ordinary respectively endorsed on such indenture and counterpart, in all cases where such endorsements or either of them shall be necessary under this act; and such indenture and counterpart shall be produced, together with such memorial, to such registrar, who shall thereupon certify on the back of such indenture and counterpart the registration thereof, and the day whereon the same shall be so registered, and shall make an entry of such memorial in a book to be kept for that purpose, with a sufficient index for the purpose of reference, and shall deposit the said memorial amongst the archives of such diocese; and every such registrar shall be entitled to receive a fee of two shillings and sixpence and no more, for or in respect of such registration; and every person shall be entitled to inspect such registry, and to have a copy of any such entry, or of any such memorial, on paying for the same respectively a sum of two shillings and sixpence and no more; and such endorsement of registry upon such indenture and counterpart as

aforesaid shall to all intents and purposes be good and sufficient evidence of the registration thereof, according to the terms of such endorsement.

V. And be it further enacted, that no such lease or leases, or counterpart or counterparts, or memorial or memorials, shall be liable or subject to the payment of any duty in respect of any stamp or stamps thereon; nor shall any stamp or stamps be required to be imposed thereupon; any act or acts to the contrary notwithstanding.

Leases free from stamp duty.

VI. And be it further enacted, that from and after such registry, every such lease so registered shall be good, valid and effectual during the continuance of such lease, not only against the parties thereto, for and during the continuance of the interest of such parties in the said lands, but also against all persons claiming under them, and the successor or successors of all such ecclesiastical dignitaries and persons and bodies corporate respectively, on the one part; and on the other part, against all and every person or persons who shall succeed to the ownership or possession, or be or become occupiers or proprietors of the lands out of which such tithes shall be payable, either by assignment or other title from or under the original lessee of such tithes, or by reason or means of any forfeiture or breach of any covenant or condition for payment of rent or otherwise; and such lease shall, from and after such registry thereof, be deemed and taken to be, and to amount in law and in fact, to a suspension of the right of claiming or taking the tithes thereby demised, or of any payment in respect of the same, other than the rent reserved in such lease, for and during the continuance of such lease; and the occupier or occupiers of such land, and every part thereof, shall from time to time, during the continuance of such lease, hold such land freed and discharged of and from all tithes, and of and from all payment in respect of tithes, other than the rent reserved in and by such lease, if made to the occupier of such land at the time of the execution of such lease, except in cases hereinafter specially provided for.

Lease valid during term demised against lessors, &c. assignees of lessees and future occupiers.

Lease to suspend right of taking tithes, or payment for tithes, except rent reserved.

Exception.

VII. Provided always, and be it enacted, that if any spiritual dignitary or person, or body corporate, who shall make any lease of tithes under this act, shall receive or take any fine, foregift, grant or compensation, or any sum of money or consideration whatever, other than the rent reserved by such lease pursuant to this act, then and in such case such lease shall be absolutely void and of no effect; any thing in the said lease or demise to the contrary in anywise notwithstanding.

Where fine taken, lease void.

VIII. Provided also, and be it enacted, that no lease of tithes which shall be made to any tenant for years of any land out of which such tithes shall be issuable, shall be valid or effectual beyond the term of years for which such tenant or his assigns shall hold such land under or by virtue of a lease of such land in existence at the time of the making the lease of such tithes, or of some renewal of such lease of such land; and that no lease of tithes which shall be made to any tenant or occupier of any land out of which such tithes shall be issuable, at any time after any declaration in an action of ejectment at the suit of the landlord of such tenant shall have been duly served upon such tenant, shall be valid or effectual

Lease of tithes for years not valid beyond interest of tenant or his assignee.

Lease of tithes after judgment in ejectment, deemed expired.

after final judgment against such tenant in such action of ejectment ; but in such cases, or either of them, every such lease of tithes shall become and be deemed to be expired and determined ; any thing in this act contained to the contrary in anywise notwithstanding.

Rent charge on land, and leviable by collector or grand jury cess, or other person appointed with like remedies as grand jury cess.

IX. And be it further enacted, that the amount of the rent reserved in and by every such lease of tithes, and all arrears thereof from time to time, not exceeding the amount of one whole year's such rent, shall be a charge on the lands specified in such lease during the continuance of such lease ; and that it shall be lawful for the lessor in every such lease to levy the amount of such rent, or to cause the same to be levied on and from such lands, in preference to any other charge thereon, whether for rent of the said lands, or for any taxes or assessments, parliamentary or other ; and it shall and may be lawful for such lessor to appoint the collector of the grand jury cess for the barony in which such lands shall be situate, or any other person or persons, to collect and levy such rent so reserved in and by any such lease of tithes, from time to time, as the same shall come due ; and every such collector, or other person or persons so appointed, shall collect and levy, and is and are hereby authorized, empowered and required to collect and levy, all and every sum and sums of money which shall become due from time to time in respect of such rent, with the like powers and authorities, and in like manner, to all intents and purposes, as the collectors of grand jury cess are empowered to levy any money under the presentment of a grand jury, and under the warrant of the treasurer of the county, and with all the like remedies in case of nonpayment thereof, or of any part thereof, as are prescribed by law with respect to any money to be levied under any presentment of a grand jury ; and such money when so levied, shall be paid over to the lessor or his successors, who shall be entitled to the same under such lease, deducting only such reasonable charges as shall be agreed between such lessor or his successors, and such collector or other person appointed to collect and levy such rent, to be paid for the collecting and levying the same.

Money when levied paid to lessor.

Lessors may sue or distrain for rent, as in case of land.

X. Provided always, and be it enacted, that the lessors of all such tithes as shall be demised or leased under this act, shall and may have such remedies by suit at law, against the lessees in such lease, and their heirs, executors, administrators and assigns respectively, as the lessors of any land may have against their lessees ; and that it shall and may be lawful for the lessors of such tithes to distrain on the lands out of which such tithes shall be issuable, or any part thereof, for such arrears of rent as shall at any time remain due and unsatisfied, not exceeding the amount of one year's rent ; and such distress shall be subject to all such rules, regulations and provisions, as distresses for the rent of land under any act or acts, or law or laws, in force in *Ireland* relating to such distresses.

Owner of land, the tithes of which are leased to him, to let such land tithe free, and occupier

XI. And be it further enacted, that whenever, under the provisions of this act, any tithes shall be demised to any person having a freehold or leasehold interest in the land out of which such tithes shall be issuable, and such person shall afterwards let, set or demise such land, or any part thereof, to any other person or persons, such lease or demise of such land shall be made free from the payment of

tithes during the continuance of the lease of such tithes; and in such case it shall and may be lawful for the lessee or occupier of such land to pay the amount of the rent of such tithes as shall be due from time to time to the lessor of such tithes, or to the person employed to collect the rent of such tithes, and it shall be lawful for such lessee or occupier of such land to deduct the amount of all such payments from time to time out of the amount of rent payable by such lessee or occupier of such land to his immediate landlord, and the receipt or acquittance of such lessor of such tithes or of such collector, shall be a good and sufficient discharge to the lessee or occupier of such land for so much of the rent payable by such lessee or occupier to such landlord as the sum specified in such receipt shall amount unto; and every such landlord shall accept such receipt in payment of so much of the rent payable by the lessee or occupier to him: provided nevertheless, that such deduction shall not be held to be a discharge of any portion of any gale or quarterly or other payment of rent, due by such lessee or occupier of such land, so as to prejudice the right of such landlord to recover the possession of such land by ejectment for nonpayment of the rent thereof, in any case where the remaining portion of such gale shall be unpaid, but that it shall and may be lawful for such landlord to proceed for the recovery of such land by ejectment, as effectually as if the entire gale of rent, out of which such deduction is hereby allowed, had remained wholly due and unpaid to such landlord.

paying tithe
may deduct
it out of his
rent.

Such deduc-
tion not a
discharge to
prevent
ejectment for
nonpayment.

XII. Provided always, and be it enacted, that whenever any agreement for a lease or demise of tithes shall be entered into between any person or persons beneficially interested in such land as aforesaid, out of which such tithes shall be issuable, not being the actual occupier of such land, and any ecclesiastical person or body corporate or impropriator hereinbefore mentioned, pursuant to the provisions hereinbefore mentioned, it shall and may be lawful for such person or persons so beneficially interested in such land to serve or cause to be served, a notice in writing personally on the occupier or occupiers of such land, or any part thereof, having an interest therein for any term not exceeding seven years, or for one life only, requiring such occupier or occupiers to become a party or parties to such lease or demise, and such notice so served shall contain the particulars of such lease or demise with respect to the lands out of which such tithes shall be issuable, and the rent reserved for the tithes thereof, and shall specify the place where such person or persons so beneficially interested reside, or at which the answer to such notice shall be required to be given; and in case such occupier or occupiers shall not, within the space of fourteen days next after being served with such notice, signify his, her or their consent in writing to become party to such lease or demise, and cause the same to be duly served at the place specified for that purpose in the notice from the person or persons so beneficially interested in such land, or if such occupier or occupiers, after signifying such consent, shall refuse to become party or parties to such lease or demise, or shall refuse to sign the counterpart of such lease on being required so to do, and the same being tendered for such purpose, it shall and may be lawful for the person or persons so beneficially interested in such land,

Owner of
land having
agreed for
lease of tithes
to give notice
to occupier,
not having
more than a
seven years'
term, or for
one life only,
requiring
him to be a
party to such
lease; and on
his refusal,
owner being
lessee, may
recover the
tithes against
such occu-
pier.

having duly executed the counterpart of such lease of the tithes issuing out of such land, pursuant to the provisions of this act, and his or their heirs, executors, administrators or assigns, having paid the rent reserved by such lease, at all times during the continuance of such lease, and of the interest of such occupier or occupiers aforesaid, to have, use and exercise all such rights and powers for the recovery of the tithes issuing out of the lands holden by any such occupier or occupiers, during the period for which such rents shall have been paid, as the owner of such tithes had for the same, previous to the making of any such lease of such tithes; and such person or persons so beneficially interested in such land shall and may sue for, levy and recover such tithes accordingly, to all intents and purposes, as if no such lease had been made; any thing in this act contained to the contrary in anywise notwithstanding.

How far persons beneficially interested answerable for rent.

XIII. Provided always, that in every such case the person so beneficially interested in such land shall, from the time of his executing the counterpart of such lease as aforesaid, be answerable for the rent reserved in and by such lease, as fully, to all intents and purposes, as if he were in the actual occupation of the lands out of which such tithes shall be issuable.

How far only occupier liable to lessor of tithes for rent of tithe; nor to lessee for tithes of any land not held by such occupier.

XIV. Provided also, and be it enacted, that whenever any tithes shall be demised to any person beneficially interested in the land out of which such tithes shall be issuable, not being the actual occupier of such land, the occupier or occupiers of such land, or of any part thereof, shall not in any case be liable to the payment of the rent or any part of the rent of such tithes, to the lessor of such tithes, nor to any distress for the same, beyond the amount of the rent payable by such occupier or occupiers respectively, for the land actually holden by such occupier or occupiers; and that no occupier or occupiers of land shall be liable to any person beneficially interested in such land, and being lessee of such tithes, for the payment of the tithes of any lands not actually holden by such occupier; any thing contained in this act, or in any lease or demise of such tithes, or any law, usage or custom to the contrary in anywise notwithstanding.

Possession of land by occupier discharged of tithes; or receipt of tithes by landlord, deemed a possession of tithes by lessor.

XV. And be it further enacted, that the possession and enjoyment of the lands out of which such tithes shall be issuable by the occupier of such lands, discharged from the payment of such tithes, for the continuance of the lease of such tithes, or the receipt of such tithes by the landlord of such occupier in the case hereinbefore provided for, during any part of the term of the lease of such tithes, shall be deemed and taken to be, in law and in fact, tantamount to and to be the actual possession and enjoyment of such tithes by the lessor or lessors of such tithes, and of his or their successor or successors, and shall and may be so alleged and insisted upon in all and every or any proceedings and proceeding in law and equity, in all cases whatsoever.

Lessee of tithes having a new term in lands, may renew lease of tithes within the last three

XVI. And be it further enacted, that if at any time during the three years next preceding the end, by effluxion of time, of the term demised by any lease or demise of tithes to be made under the the regulations of this act, the lessee or lessees of such tithes under such lease, or the executors, administrators or assigns of such lessee

or lessees, shall be or become possessed of an interest in such lands, which may continue longer than the term remaining in the lease of such tithes, whether such longer term or interest in such lands shall be a part of the original interest of such lessee, or shall be held or obtained by virtue of any new lease or otherwise, and such lessee or lessees of such tithes shall be disposed to obtain a renewal or new lease of such tithes, then and in any such case it shall and may be lawful to and for the parties interested in such lease of tithes respectively, to grant and receive a renewal or new lease of such tithes, either alone or together with any other tithe or tithes, in like manner and under all such and the same restrictions, qualifications, conditions and requisites, as are hereinbefore required with respect to every such lease of tithes; and every such new lease shall commence and take effect from the making thereof; and when such new lease of such tithes shall be complete in all respects, and duly registered in manner required by this act, the same shall not be avoided or impeached by reason of the existence of such former lease, but from the registration of such new lease, the former lease shall cease and determine to all intents and purposes, except only as to the recovery of any rent then due under the same: provided always, that nothing herein contained shall extend or be construed to extend to authorize the surrender or renewal of any lease of tithes made under this act, at any time more than three years distant from the end of the term originally demised by any such lease; and that any lease, made at any time more than three years distant from the end of such original term, by effluxion of time, shall be null and void to all intents and purposes whatsoever.

years previous to its determination.

Not to authorize renewals except within last three years of term originally demised.

XVII. And to prevent doubts and disputes as to the form of the lease of such tithes, be it enacted, that every such lease shall be in the form here following, or in some other form of words of that or the like effect; that is to say,

Form of lease of tithes.

THIS indenture, made the day of between
T *A. B.* (the lessor of the tithes) of of the one part;
 and *C. D.* [*or, C. D. & E. F.*] (the person or persons beneficially
 interested in the land, *as the case may be*, to whom the said lease is
 to be made) of the other part: whereas the said *C. D.* [*or C. D. &*
E. F. as the case may be] is [*or are*] entitled to all that and those
 [*here describe the lands*] situate, lying and being in the parish of [*if*
any] barony of [*if any*] and county of for
 the term of years, or for and
 during the life [*or lives*] of [*here set out the lessee's interest:*] and
 whereas the said lands are subject to the payment of tithe, *or*, half
 or other portion of tithe, to the said *A. B.* and his successors, [*here*
set out in what right they are entitled to the said tithe, or half or other
portion of tithe:] and whereas the said *A. B.* (with the consent of
G. H. patron, &c. and *I. K.* ordinary, &c. (*as the case may be*), testi-
 fied by endorsement on this present indenture) hath agreed to
 demise the said tithe, *or*, half or other portion of tithe of the said
 lands, according to the statute in such case made and provided, on
 the terms hereinafter contained: now this indenture witnesseth, that
 the said *A. B.*, for and in consideration of the rents and covenants
 hereinafter contained, hath demised, granted and set, and by these

presents doth demise, grant and set, all and every the said tithes, *or*, half or other portion of tithes, so payable to the said *A. B.* and his successors, out of the said lands and every part and parcel thereof, to have and to hold the same to the said *C. D.* [*or*, to the said *C. D. & E. F. as the case may be*], or to his [*or their*] heirs, executors, administrators and assigns, being occupiers [*or owners*] of the said land, from the first day of *May* last past [*or next coming, as the case may be*] for and during and unto the full end and term of _____ years [*adding, if the interest of such lessee shall be for a life or lives not renewable, these words, to wit*; “provided the said life or lives or any of them (*as the case may be*) shall so long continue”]; and the said *C. D.* [*or, C. D. & E. F. as the case may be*] in consideration thereof, hath given and granted, and by these presents doth give and grant, unto the said *A. B.* and his successors, one yearly rent or sum of _____ clear of all taxes, charges, assessments and impositions whatsoever, to be issuing out of all that and those the lands and tenements aforesaid, to have and to hold the said yearly rent or sum of _____ to the said *A. B.* and his successors from the first day of *May* aforesaid, for and during the continuance of the demise so made to the said *C. D.* [*or, C. D. & E. F. as the case may be*] as aforesaid; the said yearly rent or sum to be paid and payable by two equal half-yearly payments, on every first day of *November* and first day of *May* during the said term; and further, the said *C. D.* [*or, C. D. & E. F. as the case may be*] doth [*or do, and each of them doth*] grant and agree, to and with the said *A. B.* and his successors, that in case the said yearly rent or any gale or part thereof, shall at any time be due and unpaid by the space of three calendar months after any of the said days of payment thereof, then and in every such case it shall and may be lawful to and for the said *A. B.* and his successors unto the said lands and tenements, or any part or parts thereof, to enter and distrain, and the distress and distresses there found to take, lead, drive, carry away, sell and dispose of, according to law, for the recovery of the sum or sums to them due, and the reasonable costs of so recovering the same: and it is hereby further agreed, by and between the said parties, that in case the said rent or any gale thereof, shall be due, behind and unpaid, for the space of three calendar months next after any of the said gale days respectively, then and in every or any such case, the said demise hereinbefore contained, and every part thereof, shall, at the election of the said *A. B.* and his successors, but not otherwise, be and be deemed and taken to be null and void, to all intents and purposes, from the said gale day; and in such case it shall and may be lawful to and for the said *A. B.* and his successors, to take and receive all and every tithe, *or*, half or other portion of tithe, of the growth, produce or increase of the said lands, or of any part thereof, which shall have been severed since the said day from which such lease shall be so void, or to proceed for or in respect of the subtraction thereof, in the same manner in all respects as if this lease had not been made: and the said *C. D.* for himself, his heirs, executors, administrators and assigns, doth hereby covenant, promise and agree, to and with the said *A. B.* and his successors, that he the said *C. D.* his heirs, executors, administrators and assigns, or

some of them, shall and will from time to time hereafter, well and truly pay or cause to be paid, unto the said *A. B.* and his successors, the said yearly rent or sum of _____ at the days and times hereinbefore mentioned for the payment thereof, by even and equal portions as aforesaid; [*or*, the said *C. D.* and *E. F.* do respectively for themselves, their heirs, executors, administrators and assigns, covenant, promise, and agree to and with the said *A. B.* and his successors, that they will respectively, from time to time hereafter, when and so long as their interest shall continue to be, or shall become vested in possession, well and truly pay or cause to be paid, to the said *A. B.* and his successors, the said yearly rent or sum of _____ by equal and even portions as aforesaid]: in witness whereof the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

XVIII. And be it further enacted, that no action or other proceeding whatever shall be had or taken, by any person whomsoever, for the avoiding or defeating of any lease of tithes made under the provisions of this act, unless such person shall give notice in writing of such his intention, six calendar months at least before the expiration of some year, reckoning from the commencement of such lease, to the party or parties against whom such action or proceeding shall be intended to be had or brought; and such notice shall particularly specify and set forth the cause or causes for which such lease is sought to be avoided or defeated.

No action for defeating lease to be brought but upon six months' notice.

4 GEORGE 4, CAP. 99.—*An act to provide for the establishing of compositions for tithes in Ireland for a limited time.*—Whereas various circumstances relating to the agriculture and population of *Ireland*, and which do not apply to *Great Britain*, render it peculiarly expedient, that for the purpose of further encouraging the industry and enterprize of owners, farmers and occupiers of land, and rendering the incomes arising from tithes there more certain in amount and more easy of collection, and of avoiding controversies respecting the same, provision should be made for the authorizing compositions to be made for tithes in *Ireland* only, to endure for a time to be limited: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that at any time after the passing of this act it shall be lawful for the lord lieutenant, or other chief governor or governors of *Ireland*, upon the application of the rector, vicar, or other ecclesiastical incumbent, or of any impropriator or other person or persons entitled to any tithes or portion of tithes, or of any five or more of the owners or occupiers of land, each holding or possessing lands of the yearly value (if owners) or at the yearly rent (if occupiers) of not less than twenty pounds, in any parish in *Ireland*, to give orders and directions from time to time, when and as such lord lieutenant or other chief governor or governors shall think proper, to the churchwardens of any such parish, such orders and directions to be signified to such churchwardens by the chief secretary to the lord lieutenant, or other chief governor or governors of *Ireland*, or in his absence by the under secretary, that a special vestry shall be assembled in such parish, to proceed in carrying into execution the purposes

Lord lieutenant, on application of persons herein named may give orders that special vestries be assembled in parishes for carrying this act into execution.

Notice of such orders to be given to bishop of diocese and incumbent.

In case of absence of incumbent, his agent or some other fit person may be appointed by the bishop to act for such incumbent.

High constable, &c. to deliver to churchwardens a list of persons paying county rate for lands not tithe free; amount exceeding 20s. &c.

Lists to be according to form A. Names arranged according to amount of sums paid.

of this act, and that such vestry shall be composed of such persons occupying lands, not being tithe free, within such parish, who shall, during the last preceding year, have paid or yielded the highest or greatest amount of county cess charges or grand jury rates in respect of such lands, to be ascertained in manner hereinafter mentioned; and a copy of such orders and directions, with the names and residences of the parties signing the application for the same, shall be inserted under the direction of such chief secretary in the *Dublin Gazette*; and notice or information of such orders and directions shall also be given at the same time, by the chief secretary of the lord lieutenant, or other chief governor or governors of *Ireland*, (or in his absence by the under secretary), to the bishop of the diocese in which any and every such parish shall be situate, and to the ecclesiastical incumbent of the parish, if such incumbent shall be within the united kingdom.

II. Provided always, and be it enacted, that if it shall happen that at the time when any such orders and directions shall be given by the lord lieutenant, or other chief governor or governors of *Ireland*, the ecclesiastical incumbent who shall be entitled to or in the receipt of any rectorial or vicarial tithes within any such parish shall not be resident within *Ireland*, then and in such case it shall and may be lawful for the bishop of the diocese in which such parish shall be situate to nominate and appoint some agent of such incumbent, or some other fit and proper person, to act for and on behalf of such incumbent, and in such case all matters required to be done and performed by such ecclesiastical incumbent, for carrying into effect the several provisions of this act, shall and may be done and performed by such agent or other person so appointed by the said bishop for and on behalf of such incumbent.

III. And be it further enacted, that the high constable or other collector of the county cess charges and grand jury rates, or rates and assessments levied under and by virtue of the presentments of grand juries, within any parish in which such application shall have been made for carrying this act into execution, shall, within twenty-one days after such high constable or collector shall be thereunto required by the incumbent of such parish, or by the impropriator, or by any other person or persons, or any two of them by whom such application shall have been made, prepare and deliver to the churchwardens or churchwarden of such parish a list containing the names and residences of all and every persons and person within such parish, who shall have been charged with and shall have paid any such county cess charges or grand jury rates, for and in respect of any lands within such parish, not being tithe free, to an amount exceeding twenty shillings in the whole within the year next preceding, together with the amount of the several and respective sums charged on and paid by every person whose name shall be contained in such list; and every such list shall be made out according to the form in the schedule marked A. to this act annexed; and the names contained in such list shall be arranged according to the amount of the sums actually paid in such year by the persons whose names shall be contained in such list, so that the names of the persons having paid the highest amounts of such rates shall appear at the head of

such list, and the names of all other persons shall be placed in such list according to the amount of the sums paid by them respectively; and when several persons shall have paid the same amount, the names of such persons shall be placed alphabetically according to the letters of their respective surnames; and such list shall be signed by the high constable or other collector by whom the same shall be made, and shall be verified on the oath of such high constable or other collector before any one justice of the peace of the county, county of a city, or county of a town or place in which such parish shall be situate; and which oath any such justice is hereby authorized and empowered and required to administer.

Lists to be verified on oath.

IV. And be it further enacted, that after the receipt by the churchwardens of any parish, of any such list as aforesaid, containing the names of such persons charged with and having paid such county cess charges and grand jury rates as aforesaid, such churchwardens shall upon the *Sunday* next after the receipt of such list affix or cause to be affixed on the principal outer door of the church, and of any *Roman* catholic chapel and presbyterian meeting house within such parish, a copy of the whole of every such list, in case such list shall not contain more than twenty-five names, and in case any such list shall contain more than twenty-five names, then a copy of all such part of the said list as shall relate to the first twenty-five names inserted in such list, there to remain so affixed for two successive *Sundays* next after the receipt of every such list, by such churchwardens; and in case it shall happen that in any parish there shall not be any church or any *Roman* catholic chapel or presbyterian meeting house, then and in such case a copy of such list, or of such part thereof as aforesaid, shall be affixed on or at the place appointed for posting notices of applications to special sessions, with respect to grand jury presentments, under an act made in the fifty-ninth year of the reign of his late majesty king *George* the third, intituled *an act to amend the laws for making, repairing and improving the roads and other public works in Ireland, by grand jury presentments, and for a more effectual investigation of such presentments; and for further securing a true, full and faithful account of all monies levied under the same*; and if any such copy of any such list, or of such part thereof as aforesaid, shall be removed from the door of such church, chapel or meeting house, or other place, or shall be destroyed or defaced at any time before the expiration of the last of the said two successive *Sundays*, such churchwardens shall from time to time affix, or cause to be affixed, a new copy of such list, or such part thereof, on the door of such church, chapel or meeting house, or on or at such other place as aforesaid.

Churchwardens shall affix copy of such list of rate payers (or of the first 25 names therein) on the door of the church, &c. for two successive Sundays.

59 G. 3, c. 84.

V. And be it further enacted, that if any person who shall during any preceding year have paid any county cess charges or grand jury rates within any such parish shall think himself or herself aggrieved by the omission of his or her name from any such list, or copy of such list, or of such part thereof as aforesaid, or by any error or mistake in the amount of the sums stated in any such list or copy to have been charged on or paid by such person, it shall and may be lawful for any such person, within the space of ten days next after the second *Sunday* on which any such copy of such list, or of any

On appeal by persons charged with rates, and whose names are omitted, &c. in such lists or returns, two magistrates may, on application, add their names, &c. to such lists.

such part thereof as aforesaid, shall have been affixed on the door of such church or other place of worship, or at such other place as aforesaid, to apply to any two justices of the peace in and for the county or place in which such parish shall be situate, to have his or her name added to such list or copy, or to have his or her name substituted in any such list or copy for the name of any person who shall have paid a lesser sum, or to have the error or mistake in the amount payable by such person rectified; and on producing to such justices a receipt or receipts from the high constable or other collector, given to such person so complaining, for any amount of county cess charges or grand jury rates exceeding the amount paid by any person or persons whose name or names shall be contained in such list (or equal to such amount in cases where the amount stated to be paid by all the persons whose names shall be contained in such list shall be equal), it shall be lawful for such justices to direct, by order under their hands to the churchwardens of the said parish, that the name of some one of the persons having paid such lesser or equal sum be removed from such list or copy, and that the name of such complainant, and the sum payable by such complainant, shall be added to any such list or copy, or that the amount payable by such person so complaining shall be corrected and truly stated in any such list or copy, as the case may require; and the name of some person shall be removed from such list, and the name of such complainant, or the amount paid by such complainant, as the case may require, shall be added to or inserted in such list or copy accordingly.

What persons only may attend or vote at vestry.

VI. And be it further enacted, that whenever any such list shall be made under this act, and any copy thereof, or of any part thereof, shall be made and affixed as required by this act, no person shall be admitted or entitled to attend or to vote at any special vestry to be held for carrying into execution the purposes of this act, other than such persons whose names shall appear in or be added to such copy so affixed under the provisions of this act, and who shall have actually paid and satisfied, or *bona fide* tendered, the several sums specified in such copy of such list so affixed or amended as aforesaid.

High constable, &c. neglecting to deliver lists, churchwardens neglecting to affix copies on church door, &c.

VII. And be it further enacted, that if any high constable or collector by this act required to make out and deliver any such list as aforesaid, shall refuse or neglect or omit to make or deliver such list, or if the churchwardens of any parish shall neglect or refuse to affix or cause to be affixed copies of any such list, on the door of any church or other place of public worship, or at any other place, according to the provisions of this act, or shall neglect or refuse to add to or insert in any such list the name of any person, or the amount of county cess charges or grand jury rates payable by any person, in compliance with the order of any two justices, made pursuant to this act, every person so offending shall forfeit the sum of ten pounds, to be recovered and applied in manner hereinafter mentioned.

Penalty £10.

On a day herein mentioned, a special vestry

VIII. And be it further enacted, that after such list or returns respectively shall have been transmitted as aforesaid, to the churchwardens of any such parish, public notice shall be given by such

churchwardens, in the usual manner of notices given for holding vestries in such parish, that a special vestry, to consist only of persons whose names shall appear in or be added to such list, under the provisions of this act, will be holden in and for such parish, pursuant to this act, on some day to be named in such notice, not being less than three weeks nor more than six weeks distant from the *Sunday* on which any such list shall have been first affixed to the door of the church, or other place or places of public worship in such parish, or at such other place as aforesaid, pursuant to this act; and such special vestry, consisting of such persons only as aforesaid, shall be holden, and shall meet accordingly on the day mentioned in such notice,

to be held for
executing
act.

IX. And be it further enacted, that it shall be lawful for any seven persons or more, qualified as by this act is directed, and duly assembled at any special vestry duly called in pursuance of this act, (and at which special vestry it shall be lawful for the incumbent or other person or persons entitled to tithes, and churchwardens, if any, of such parish to be present), to proceed from time to time in the execution of the purposes of this act; and in the first place, to elect a chairman to preside at such vestry; and all questions to be proposed at such vestry shall be decided by the majority of the votes of the persons present at such vestry in manner following; that is to say, all persons attending at such vestry, who shall in any such list as aforesaid be charged with and shall have actually paid or *bona fide* tendered such county cess charge or grand jury rate, to an amount not exceeding ten pounds in the whole, shall be entitled to one vote; and all persons so charged or having paid or tendered to an amount exceeding ten pounds, and not exceeding twenty pounds in the whole, shall be entitled to two votes; and so in progression of one vote for every complete sum of ten pounds with which any voter shall be so charged, and shall have paid or tendered, not exceeding six votes in the whole by any one person, to whatever amount, above sixty pounds, any such person may be so charged; and in case the number of votes given according to the proportions aforesaid, including the vote or votes of the chairman, shall be equal upon any question, such chairman shall have one casting vote for the decision of such question; and it shall be lawful for such vestry to adjourn from day to day, or from time to time, as may be necessary for carrying into execution the purposes of this act.

Seven vestry-
men may
proceed in
execution of
act.

Chairman.

How ques-
tions propo-
sed at vestry
shall be de-
cided.

Casting vote.

X. Provided always, and be it enacted, that if at any meeting of any such special vestry, in which seven persons or more, duly qualified according to this act to vote at such vestry, together with the ecclesiastical incumbent of such parish, or other person or persons entitled to tithes as aforesaid, or their agents respectively, shall be present, it shall be agreed between such parishioners, and such incumbent or other person or persons as aforesaid, that no proceedings shall be had under this act, such vestry shall forthwith adjourn *sine die*, and no further proceedings shall be had under this act, without further orders and directions from the lord lieutenant, or other chief governor or governors of *Ireland* for that purpose, pursuant to this act; and if at any meeting of such special vestry as aforesaid, such parishioners, and such incumbent or other person or

If parishion-
ers and in-
cumbent at
vestry agree
in not pro-
ceeding or
disagree as
to proceed-
ing under
this act, ves-
try shall be
adjourned
sine die, sub-
ject to being
resummoned
at any time,
&c.

Not certify-
ing adjourn-
ment, penalty
£5.

If seven ves-
trymen do
not attend,
vestry to ad-
journ sine
die.

Not certify-
ing adjourn-
ment, penalty
£5.

Vestry duly
assembled,
and agreeing
with incum-
bent to pro-
ceed under
this act,
shall elect a
commission-
er on behalf
of the owners
and occu-
piers of land,
to treat with
a commis-
sioner to be

persons as aforesaid, shall disagree as to whether proceedings shall or shall not be had under this act, the vestry shall be adjourned from time to time, or *sine die*, as may be agreed upon at such vestry, subject to being re-assembled at any time, on application of the incumbent, or of any person entitled to tithes, or any five or more occupiers of land, or owners of land occupying the same, within such parish, pursuant to the provisions of this act; and the ecclesiastical incumbent or other person or persons as aforesaid, or the churchwardens of such parish, if any, shall certify such result of the meeting of such special vestry, in writing under their hands, and signed with their names, to the office of the chief secretary of the lord lieutenant, or other chief governor or governors of *Ireland*, for the information of such lord lieutenant, or other chief governor or governors; and if any person or persons, hereby required to certify such result, shall omit or neglect so to do, every person so offending shall forfeit the sum of five pounds, to be recovered and applied in manner hereinafter mentioned.

XI. Provided also, and be it enacted, that if at the first meeting of any special vestry to be held in any parish, in pursuance of this act, there shall not be present seven persons at least entitled to attend and vote at such vestry, for the purposes of this act, all proceedings under this act shall and may be adjourned by the incumbent or lay impropriator or other person entitled to tithes as aforesaid, or by the churchwardens, or by one of the persons by whom the notice for calling such special vestry shall have been signed, for any number of days not more than seven; and such incumbent or impropriator, or churchwardens or other person, shall cause a written notice of every such adjournment to be given in such manner as is hereinbefore required with respect to the holding of such special vestry; and if after two such adjournments an attendance of seven persons so entitled to attend and vote at such vestry shall not be procured, such special vestry shall be adjourned *sine die*, and the incumbent or impropriator, or the churchwardens of such parish, or such other person as aforesaid, shall certify such adjournment to the office of the chief secretary of the lord lieutenant, or other chief governor or governors of *Ireland*, and such vestry shall not be assembled until further directions shall have been issued from the lord lieutenant, or other chief governor or governors of *Ireland*, for that purpose, pursuant to this act; and if any such person shall omit or neglect to certify such adjournment accordingly, every person so offending shall forfeit the sum of five pounds, to be recovered and applied in manner hereinafter mentioned.

XII. And be it further enacted, that whenever any special vestry consisting of seven or more in number shall be duly assembled for the purposes of this act, and it shall be agreed between the parishioners and the ecclesiastical incumbent of such parish, or other person or persons entitled to tithes as aforesaid, to carry into execution the purposes of this act, a memorandum of such agreement, or some minute or entry of the same, shall be reduced into writing, and shall be signed by the said incumbent, or other person or persons entitled to tithes as aforesaid, or their agents respectively, and by four or more of the persons present at such special vestry; and at

the same or some subsequent meeting such vestry shall proceed to elect, nominate and appoint a fit and proper person, qualified as hereinafter mentioned, to be a commissioner for carrying into execution the purposes of this act, on behalf of all the owners and occupiers of land within such parish, and to treat with a commissioner to be named and appointed in manner hereafter mentioned by the ecclesiastical incumbent of such parish, or other person or persons entitled to tithes as aforesaid, for the making and ascertaining a composition for all the tithes, rectorial or vicarial, predial, personal or mixed, or of any nature or kind soever, growing, renewing, arising, payable, or yielded within such parish, whether such tithes shall be payable wholly to the rector, vicar or other ecclesiastical incumbent, or to any body politic or corporate or collegiate, or to any corporation, aggregate or sole, or to any other person or persons whomsoever, lay or ecclesiastical; and notice of the election, nomination and appointment of such commissioner, on behalf of the owners and occupiers of land in the said parish, and the name and place of abode of such commissioner, shall be transmitted by the churchwardens of such parish, or by the chairman of such vestry (as shall be directed by such vestry), to the bishop of the diocese in which such parish shall be situate, and to the chief secretary of the lord lieutenant, or other chief governor or governors of *Ireland*, in writing under the hand, and subscribed with the names or name of such churchwardens, or of such chairman of such vestry, within seven days next after such election, nomination and appointment shall have taken place, in pursuance of this act.

named by the incumbent, &c.

Notification of such election to bishop of diocese, and chief secretary.

XIII. And be it further enacted, that whenever such agreement as aforesaid shall be made in writing, and entered into and signed as aforesaid, for carrying into execution the purposes of this act in any parish, and a special vestry shall have appointed a commissioner on behalf of the owners and occupiers of land within such parish, according to the provisions of this act, then and in such case, within seven days next after the appointment of such commissioner by such vestry, the rector, vicar or other ecclesiastical incumbent of such parish entitled to the receipt of tithes, or any portion of tithes, in such parish; or in case there shall not be any ecclesiastical incumbent so entitled, then any other person, or the majority in value of any other persons entitled to the tithes in such parish, shall, by writing under the hand and seal of such ecclesiastical incumbent or other person or persons as aforesaid, appoint a fit and proper person, qualified in manner directed by this act, to be a commissioner on the part as well of such incumbent or other person or persons as aforesaid, as of any and every person or body politic or corporate or collegiate, or corporation, being the owner of any tithes arising, growing, yielded or payable within such parish, to treat with the commissioner appointed by such vestry, for the making a composition for all tithes arising, growing, yielded or payable within such parish; and such incumbent or other person or persons as aforesaid shall give and transmit notice in writing to the churchwardens of such parish, and to the bishop of the diocese, and to the chief secretary of the lord lieutenant or other chief governor or governors of *Ireland*, of the name and place of abode of such commissioner so

Incumbent, &c. to appoint a commissioner, and give notice, to bishop and churchwardens; bishop may approve or disapprove of such commissioner; if not disapproved within six weeks, to be held approved; if one disapproved of, a second may be appointed by the incumbent within seven days, and if he be disapproved of a commissioner shall be appointed by the archbishop.

Where impropriator, &c. is solely entitled to tithes, bishop shall not dissent from appointment of commissioner.

appointed, within seven days next after such appointment shall be made; and in all cases where any person or body politic or corporate or collegiate, or corporation, other than the ecclesiastical incumbent of such parish or other person or persons appointing such commissioner, shall be entitled to the receipt of any rectorial, vicarial or other tithes, arising, growing, yielded or payable within such parish, such incumbent or other person or persons as aforesaid, shall also give notice in writing, within the like space of seven days, of the name and place of abode of such commissioner, to any and every person, or body politic or corporate or collegiate, or corporation, entitled to such rectorial or vicarial or other tithes; and it shall be lawful for any and every such person, or body politic or corporate or collegiate, or corporation, so entitled to such rectorial or vicarial or other tithes, to submit to the bishop of the diocese any objection to the person so appointed by such incumbent or impropriator, or other person as aforesaid, to be such commissioner; and it shall be lawful for such bishop at any time, not less than two weeks and not more than six weeks after the notice of such appointment, to signify to such incumbent, or other person or persons as aforesaid, the approbation or disapprobation of such bishop of the person so appointed to be such commissioner: provided, that in case no disapprobation of such commissioner by such bishop shall be made and signified by such bishop, by writing under his hand, on some day within six weeks after the notice of the appointment of such commissioner, such appointment shall be deemed and taken to be approved by such bishop, and such commissioner shall thereupon be authorized and empowered to proceed in the execution of this act: and provided, that in case no person other than the impropriator or person or persons appointing such commissioner shall be entitled to or interested in any portion of such tithes, it shall not be lawful for such bishop to signify any disapprobation of such commissioner; and if such bishop, within six weeks after the notice of the appointment of such commissioner, shall by any writing under his hand signify his disapprobation of such commissioner (except in the case aforesaid), the incumbent, or other person or persons as aforesaid, by whom such commissioner shall have been named and appointed, shall, within seven days next after the receipt of such disapprobation, nominate and appoint another person to be commissioner, in like manner as is hereinbefore directed, and shall give like notices of such appointment to such bishop and chief secretary, and to any and every person or body politic or corporate or collegiate, or corporation, who may be interested in any rectorial, or vicarial or other tithes, as are hereinbefore required in case of the first appointment of such commissioner; and it shall be lawful for such bishop to signify his approbation or disapprobation of such secondly named commissioner, in like manner and under the like regulations as are herebefore contained respecting such first named commissioner; and if it shall happen that such bishop shall signify his disapprobation of such second person, so named to be such commissioner by such incumbent or other person or persons as aforesaid, then and in such case, upon notice given and application made by such incumbent or other person as aforesaid, to the archbishop of the province in which

the diocese of such bishop shall be situate, of such disapprobation of such bishop, of the two persons so successively named by such incumbent, or other person or persons as aforesaid, to be such commissioner, it shall be lawful for such archbishop to nominate and appoint a fit and proper person to be a commissioner to act in the execution of the purposes of this act, on behalf of such incumbent, or other person or persons as aforesaid, and of any and every other person, or body politic or corporate or collegiate, or corporation, entitled to any rectorial or vicarial or other tithes arising and payable within such parish; and it shall and may be lawful for such incumbent, or other person or persons as aforesaid, or body politic or corporate or collegiate, or corporation, or for the owners and occupiers of land in any parish, to make application to such archbishop for that purpose; and in case of refusal by such archbishop, it shall be lawful for the court of king's bench in *Ireland* to direct a writ of *mandamus* to such archbishop, to enforce the making such nomination and appointment of such commissioner by such archbishop, pursuant to this act.

Mandamus
to archbishop
to appoint.

XIV. And be it further enacted, that no person shall be capable of acting as a commissioner for the purposes of this act, until he shall have taken and subscribed an oath, in the words or to the effect following; that is to say,

Oath of com-
missioners.

I *A. B.* do swear, that I will faithfully, impartially and honestly, according to the best of my skill and ability, execute and perform the powers and authorities vested and reposed in me as a commissioner, in the parish of _____, by virtue of an act passed in the fourth year of the reign of king *George* the fourth, intituled [*here set forth the title of this act*], according to the directions of the said act, and according to equity and good conscience, and without favour or affection, prejudice or malice, to any person or persons whomsoever.

So help me God.

And no person shall be capable of acting as a commissioner for the purposes of this act, unless such person shall be seized of a freehold estate, or estates in fee simple or fee tail, or for life, of the annual value of one hundred pounds at the least, situate in any part of the united kingdom, or shall be heir apparent to some person so seized, or shall be seized or possessed of a leasehold estate or estates for life or for a term of years, whereof not less than fourteen years shall be unexpired, of the yearly value of two hundred pounds at the least, situate in any part of the united kingdom, or being seized of a freehold estate, or possessed of a leasehold estate for life, not being of such value, shall be also possessed of a leasehold estate or estates for a term of years as aforesaid, which, together with such estate for life, shall amount to the clear yearly value of two hundred pounds at the least in any part of the united kingdom, or who shall be possessed of personal property to the value of one thousand pounds, over and above all his just debts; and that no person shall be capable of acting as such commissioner, until he shall have also taken and subscribed an oath in the words or to the effect following; that is to say,

Qualification
of commis-
sioners.

I *A. B.* of _____ do swear, that I am seized of a freehold estate [*or estates*] in fee simple [*or, in fee tail, or, as tenant*]

Oath of qual-
ification.

for life], in possession, of the annual value of pounds, [or, that that I am heir apparent of *C.D.* who is seized of an estate [or, estates] in fee simple, or, fee tail, of the annual value of pounds] [or, that I am seized of a leasehold estate [or, estates] for life, [or, for a term of years whereof not less than years are unexpired], of the annual value of pounds], [or, that I am seized of a freehold estate, or possessed of a leasehold estate [or, estates] for life, and am also possessed of leasehold estate or estates for a term of years, whereof not less than years are unexpired, which are together of the annual value of pounds]; and that such estate [or, estates] is [or, are] situate in [*stating in all cases in what part of the united kingdom any or every such estate is or are situate, and specifying the name of the estate or estates, or other descriptions of the property;*] and that such estate [or, estates] is [or, are] *bona fide* my property, [or, in case of freehold estate, the property of to whom I am heir apparent;] [or, that I am possessed of a clear personal estate and property of over and above all my just debts and incumbrances.]

So help me God.

Acting without taking oaths, penalty £100.

Which several oaths any justice of the peace of any county in which the parish shall be situate in which such commissioner shall be appointed to act, is hereby empowered to administer; and every such oath when so taken and subscribed shall be lodged by such commissioner in the registry of the bishop of the diocese in which such parish shall be situate; and if any person shall presume to act as a commissioner in the execution of this act, without having taken and subscribed the oath or oaths required by this act, every such person shall for every such offence forfeit and pay the sum of one hundred pounds to any person or persons who shall sue for the same, to be recovered by action of debt or on the case, in any of his majesty's courts of record at *Dublin*.

Appointment of commissioner in case of death, &c.

XV. And be it further enacted, that if any commissioner appointed in pursuance of this act shall die, or shall neglect or refuse to act, or shall become incapable of acting in the execution of this act, then and in every such case a new commissioner shall be appointed for the execution of this act, by the owners or occupiers of land, or by the incumbent, or any other person or persons entitled to tithes as aforesaid, or his or their successors or heirs respectively, by whom or on whose behalf the commissioner so dying, or neglecting or refusing to act, was originally appointed; and the appointment of such new commissioner on behalf of the owners or occupiers of land, shall be made at a special vestry, to consist of seven persons at the least, qualified for electing a commissioner, pursuant to the regulations of this act, to be holden in pursuance of a notice to be given as hereinbefore directed in the case of holding a special vestry, at least fourteen days before the day appointed for the nomination of such commissioner; and the appointment, as well of such new commissioner on behalf of the owners and occupiers of land as of such new commissioner on behalf of the incumbent or other person or persons as aforesaid, shall be subject to the like rules and regulations, and the appointment of such new commissioner on behalf of the incumbent or other person or persons as aforesaid, shall be sub-

by the parish at special vestry of seven persons, on notice.

ject and liable to the same approbation or disapprobation of the bishop of the diocese, and finally to the interference and nomination of the archbishop of the province, as are hereinbefore required with respect to the appointment of the commissioner originally appointed; and every such new commissioner shall be qualified and shall take the oath and oaths by this act required to be taken respectively, and shall have the like powers and authorities in all respects as the commissioner in whose room he shall be appointed.

New commissioner to be qualified and sworn.

XVI. And be it further enacted, that it shall be lawful for the said two commissioners so respectively appointed on behalf of the said several parties, and such commissioners are hereby authorized and empowered to agree upon and to ascertain and fix the amount of the yearly sum of money to be paid to the incumbent, or any other person or persons, or body politic or corporate or collegiate, or corporation, entitled to any tithes, rectorial or vicarial, predial, personal, or mixed, in the parish where such commissioners shall be so appointed, as a composition for and in satisfaction of all such tithes; and that such amount shall be calculated upon an average of all the sums paid, or agreed for, or adjudged to be paid, in such parish on account of tithes during the seven successive years preceding the first day of *November* one thousand eight hundred and twenty-one; and if it shall appear to the said commissioners that the sums which have been paid or agreed for during such seven years have not been an adequate compensation for the tithes of the several articles on account of which such sums have been paid or agreed for, it shall be lawful for the said commissioners in such case to add to the amount of such average any sum, not in any case exceeding in the whole one fifth part of the amount of such average: provided always, that if it shall happen that any land subject to tithes in any such parish shall during such period of years have been held and possessed by any person entitled to the tithes, or to the receipt of the tithes of such land, or in any manner so that the tithes of such land shall not have been actually paid, nor agreed for, nor adjudged to be paid during such period, then and in every such case the annual value of the tithes of such land shall be estimated by the said commissioners according to the best information which they can obtain; and in any other case where it shall happen that the tithes of any land shall not have been paid, nor agreed for, nor adjudged during such period, it shall be lawful for the said commissioners to fix and ascertain the value of the tithes of such land in each year of the said period, according to the payments made for tithes of the like kind in the same or any adjoining parish: and for all the said purposes, it shall be lawful for the said commissioners to meet together from time to time, and to require from the incumbent and impropriator, and every other person or body politic or corporate or collegiate, or corporation, entitled or claiming to be entitled to or interested in the receipt of any such tithes, a full and particular statement in writing, under the hand of such incumbent, impropriator, and other person, or of any steward or agent of any body politic or corporate or collegiate, or corporation aggregate or sole, or any person or persons whomsoever, of his or their claim or claims respectively, and to what particulars such claims apply, and out of or upon what

Commissioners empowered to agree in fixing amount of sum to be paid as a composition for tithes.

How such amount calculated.

In what case commissioners may add thereto.

Proviso for case where tithes not paid, nor agreed for, nor adjudged to be paid.

Commissioners may meet for the purposes aforesaid.

Commissioners empowered to examine persons on oath.

land within such parish, and by what persons such tithes are claimed, or have been agreed for, or adjudged to be issuing, yielded, chargeable, payable or paid, and the nature, amount and value of all tithes claimed, or payable or receivable, or yielded or paid and received or agreed for, or adjudged to be paid, in kind or otherwise, for and during such seven years ; and it shall be lawful for such commissioners to summon and call before them, as well the incumbent or impropriator, or any steward or agent of any body politic or corporate or collegiate, or corporation aggregate or sole, or any person or persons entitled or claiming to be entitled to such tithes or any of them, as also any owner or occupier of any lands, or any other person or persons charged or chargeable with the payment of such tithes, and to examine any such incumbent or impropriator, or steward or agent, or owner or occupier of land, and any other person or persons whomsoever upon oath, (which oath the said commissioners, or either of them, are and is hereby authorized and empowered to administer), as to the truth of any fact of which such commissioners may require to be satisfied, for the purpose of obtaining the information requisite for the making of any agreement for such composition ; and all such persons so summoned or called before such commissioners are hereby required to give evidence and information accordingly.

Commissioners not agreeing to appoint an umpire, and give notice to chief secretary, bishop, incumbent, tithe owners and three of the vestry.

XVII. And be it further enacted, that if the commissioners so appointed as aforesaid, acting in the execution of this act, shall not agree in settling and ascertaining the amount of the composition for tithes to be paid and made in any parish, pursuant to the provisions of this act, it shall be lawful for such commissioners to refer the settling and ascertaining of the amount of such composition in such parish to the decision of some third person, not interested in the question, as an umpire ; and such umpire shall be nominated and appointed by such commissioners, by writing under their hands ; and notice of the appointment of such umpire by such commissioners shall be given by such commissioners in writing under their hands, and shall be transmitted by such commissioners to the office of the chief secretary, for the information of the lord lieutenant or other chief governor or governors of *Ireland*, and to the bishop of the diocese, and to the incumbent or impropriator, or other person or persons having appointed any commissioner as aforesaid, and to the churchwardens of the parish, and to every person, or body politic or corporate or collegiate, or corporation, entitled to any tithes in such parish, and to three or more of the persons who shall have attended at the special vestry at which either of the said commissioners was appointed ; and the decision of any umpire so to be nominated or appointed as aforesaid shall be final and conclusive.

Powers of umpire in ascertaining the amount of the composition.

XVIII. And be it further enacted, that it shall be lawful for any umpire so to be appointed as aforesaid, and such umpire is hereby authorized and required to ascertain and fix the amount of the yearly sum of money to be paid as a composition for and in satisfaction of all tithes payable in such parish, in like manner and upon the same principles as the two commissioners by whom such umpire shall be appointed are by this act authorized to ascertain and fix such composition ; and it shall be lawful for such umpire to proceed in ascer-

taining and fixing such composition, either upon such information as shall have been obtained by such two commissioners, or it shall be lawful for such umpire to make such further inquiries, and to proceed in such manner in all respects as such commissioners might have proceeded under this act in obtaining the information requisite for the ascertaining and fixing of such composition; and such umpire shall for that purpose have and exercise all such powers and authorities as are by this act given to such two commissioners, and as such two commissioners, or either of them, might have used and exercised for the purposes of this act.

XIX. And be it further enacted, that in any case where it shall happen that any commissioners acting in the execution of this act shall not agree in settling and ascertaining the amount of such composition, within four calendar months next after their first meeting, and on failure of so agreeing, in case such commissioners do not appoint such umpire within such space of four calendar months, such commissioners shall transmit to the lord lieutenant, or other chief governor or governors of *Ireland*, a certificate under their hands stating the grounds and causes of the difference between them, and shall from time to time give any information or explanation of their proceedings under this act which shall be required by the lord lieutenant, or other chief governor or governors of *Ireland*, as signified by his or their chief secretary; and thereupon it shall be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, by and with the advice and consent of his majesty's privy council in *Ireland*, to refer the case for the re-consideration of such commissioners; and in case such commissioners shall not, within one calendar month next after such reference, agree either in settling and ascertaining the amount of such composition, or in naming an umpire for that purpose, it shall then be lawful for the lord lieutenant, or other chief governor or governors of *Ireland*, to nominate a person to be such umpire, and such umpire shall have all such and the same powers and authorities as if he had been originally appointed by such commissioners in pursuance of this act.

Commissioners not agreeing or appointing an umpire shall certify to lord lieutenant; who in council may refer the case to reconsideration of commissioners, and if they do not agree or appoint an umpire, lord lieutenant to appoint umpire.

XX. And be it further enacted, that no person shall be capable of acting as an umpire in the execution of this act, whether appointed by commissioners for the execution of this act, or by the lord lieutenant or other chief governor or governors of *Ireland*, until he shall have taken and subscribed an oath in the following form; (that is to say),

Oath of umpire.

I *A. B.* do swear, that I will faithfully, honestly, and impartially, according to the best of my skill and ability, execute and perform the powers and authorities reposed in me as umpire by virtue of an act passed in the fourth year of the reign of king *George* the fourth, intituled [*here insert the title of this act*], in the parish of according to the directions of the said act, and according to equity and good conscience, and without partiality, favour or affection, prejudice or malice, to any person or persons whomsoever; and that I am not owner or proprietor of any tithes, nor owner nor occupier of any lands subject to the payment of any tithes, or composition for tithes, in the said parish of nor agent or steward of any person so interested.

So help me God.

Which oath it shall be lawful for either of the commissioners by whom such umpire shall be appointed, or for any justice of the peace for the county in which the parish shall be situate, relating to which such umpire shall be appointed, to administer, and they or any one of them are and is hereby authorized to administer the same; and such oath, when so taken and subscribed by such umpire, shall be annexed to the certificate or return of the amount of such composition to be made by such umpire pursuant to this act, in manner hereinafter mentioned.

Commissioners may cause a survey and valuation to be made of lands and tithes in the parish,

and give notice of its being deposited and may hear objections thereto, and amend the same.

Commissioners or umpire may alter survey.

XXI. And be it further enacted, that it shall be lawful for any commissioners or umpire acting under this act, in case they or he shall think fit so to do, to cause a survey and admeasurement to be made of all the lands and grounds in any such parish, and an estimate of the annual value of all such lands and grounds as shall not be tithe free, and of the amount of composition for tithes to be made payable in and for such parish; and when and as such survey, admeasurement, and estimate or valuation shall be made and completed, such survey and admeasurement, and estimate or valuation, or a duplicate thereof, shall be deposited by such commissioners or umpire with some person at some convenient place in such parish, for the inspection of all persons interested in such lands or tithes; and such commissioners or umpire, within seven days next after such survey and admeasurement, and estimate or valuation shall be deposited, shall give and deliver a notice in writing to the churchwardens of such parish, and to the incumbent or impropriator, and other person or persons entitled to any tithes in such parish, or to the composition or any part of the composition for such tithes, or to the agent of any such person or persons, that such survey and admeasurement and estimate or valuation have been deposited, and the name of the person with whom the same shall have been deposited, and where the same may be inspected; and shall also in such notice appoint some convenient place within such parish, and a time (not earlier than twenty-one days from such notice) when and where such commissioners or umpire will attend to hear objections from the incumbent or impropriator, or other person or persons entitled to such tithes, or to the composition for the same, or any part thereof, or from the owners or occupiers of lands within such parish, who may be dissatisfied with such survey or estimate or valuation, or either of them, and such commissioners or umpire shall attend at the place and time to be appointed; and it shall be lawful for such commissioners or umpire to hear and determine any objections which may be then and there made to such survey or estimate or valuation, or to adjourn the further hearing of such objections, if such commissioners or umpire shall think proper, to a future time; and it shall be lawful for such commissioners or umpire to examine any person or persons on oath (or in the case of a *Quaker* or *Quakers* on solemn affirmation), touching any such objections (which oath or affirmation any such commissioner or umpire is hereby authorized and empowered to administer); and when such commissioners or umpire shall have heard and determined all such objections, if any, as may be so made, it shall be lawful for such commissioners or umpire to cause such survey or estimate or valuation to be altered; and if any alter-

ation or alterations shall be made therein, such altered survey or estimate and valuation shall be left and deposited at the same place as the first survey or estimate or valuation was deposited at, for the inspection of all persons interested in the lands or tithes in such parish; and notice in writing shall forthwith be given by such commissioners or umpire to the churchwardens of such parish, and to the incumbent and other person or persons entitled to such tithes or composition for tithes, or any part thereof, of the depositing of such altered or amended survey or estimate or valuation.

XXII. Provided always, and be it enacted, that if any plan, survey, estimate or valuation, made of all or any part of the lands or tithes in any such parish, shall be produced and laid before such commissioners or umpire, of the authenticity and accuracy of which they or he shall be satisfied, it shall and may be lawful to and for them or him to make use of such plan, survey, estimate or valuation, to assist in the survey and estimate or valuation directed by this act to be made, without causing any new survey or estimate to be made of such lands or tithes.

Old surveys may be used if the commissioners, &c. think proper.

XXIII. And be it further enacted, that it shall and may be lawful for any commissioners or umpire for carrying this act into execution, and for the surveyor to be employed as aforesaid, and for any person or persons employed as clerk, assistant or servant to such commissioners or umpire, or surveyor respectively, and he and they is and are hereby empowered and authorized, for the purposes of this act, to enter into and upon all and every or any of the lands and grounds in any such parish, without being subject to any action or molestation for so doing.

Power to commissioners or umpire to enter lands.

XXIV. Provided always, and be it enacted, that whenever and as soon as any general survey of *Ireland* shall be made and completed under the authority of any act or acts to be made for that purpose, or whenever and as soon as any survey of any parish in *Ireland* shall be made and completed as part of such general survey, such general survey or such survey of such parish shall be applied to the purposes of this act, in any parish which shall be contained in or shall form part of such general survey.

In what case no particular survey to be made of any parish.

XXV. And be it further enacted, that when any two commissioners appointed under this act, or any umpire named by such commissioners, or by the lord lieutenant or other chief governor or governors of *Ireland*, in pursuance of this act, shall have finally agreed upon, or shall have ascertained and fixed the amount of composition to be paid for tithes in any parish under the provisions of this act, such commissioners, or umpire, as the case may be, shall make and sign a certificate, according to the form in schedule (B.) to this act annexed, or in such other form as the nature of the case may require, stating the amount of the true and just composition which shall thenceforth be paid in satisfaction of all tithes in such parish, and in what proportions such composition shall be paid or divided to or amongst the party or parties entitled to such tithes, or any particular share or proportion of such tithes; and such commissioners or umpire shall subjoin to such certificate a statement of the average price of wheat or oats (whichever of the two they shall consider as the corn principally grown in such county) for the period

Two commissioners, or umpire, to make and sign certificate of amount of composition subjoining the then price of wheat or oats, and transmit certificate to bishop, &c. to be recorded in registry of diocese, and send copies to incumbent and tithe owners.

of seven years next preceding the first day of *November* one thousand eight hundred and twenty-one, calculated upon the returns advertised in the *Dublin Gazette* during such seven years; and such commissioners or umpire shall transmit such certificate to the bishop of the diocese in which such parish shall be situate, and shall also transmit a duplicate of such certificate, made and signed in like manner, to the registrar of such bishop, to be entered and recorded in the registry of such diocese, and such certificate shall be entered and recorded accordingly; and such commissioners or umpire shall also transmit or deliver one copy of such certificate to the churchwardens of such parish, and one other copy to the incumbent of such parish, and one copy thereof to any and every person, or body politic, corporate or collegiate, or corporation, entitled to any part or proportion of such composition for tithes; and every such copy shall be signed with the names or name, in the proper handwriting of such commissioners or umpire by whom such certificate shall be made.

In what case commissioners to state their reasons for increase on certificate of composition.

XXVI. Provided always, and be it enacted, that in any case where it shall happen that any commissioners or umpire acting in the execution of this act shall, in the ascertaining and fixing the amount of any composition to be paid for tithes in any parish, have increased the amount of such composition beyond the average amount of such tithes during seven years preceding the first day of *November* one thousand eight hundred and twenty-one, by adding any sum or sums of money to such average amount, the said commissioners or umpire shall subjoin to the certificate of the amount of such composition a statement of the average amount of such tithes for such seven years, and also the amount of the sum or sums added to such average amount, and by which such composition shall be so increased beyond such average amount, together with the grounds and reasons upon which such sum or sums was or were so added to such average amount as aforesaid.

Where incumbent, impropriator, &c. shall agree to receive a fixed sum, as a composition for tithes, and such agreement shall be assented to by the vestry, such agreement shall bind commissioners, and such sum shall be inserted in certificate of composition.

XXVII. Provided always, and be it enacted, that if the incumbent of any parish entitled to any tithes or portion of tithes in such parish, and the impropriator of any tithes or portion of tithes in any parish, or other person or persons, or body politic or corporate or collegiate, or corporation aggregate or sole, entitled to any tithes or any portion of tithes in any parish, shall agree to receive any fixed annual sum or sums as the amount of the composition to be paid for all tithes in any parish payable to him or them, and shall signify such agreement in writing, stating the amount of the sum or of the several sums so agreed to, and shall have obtained the assent of the bishop of the diocese and of the patron of the benefice to such agreement, to be signified in writing, and signed by such bishop and patron respectively; and if such agreement shall be assented to, and accepted at some vestry, or adjourned vestry, to be holden in pursuance of this act, at which not less than seven persons entitled to vote therein shall be present, and such assent and acceptance shall be certified by the chairman of such vestry to the commissioners or umpire who may be appointed under this act; then and in such case upon the production of such certificate to such commissioners or umpire, by or on behalf of the incumbent or other

person or persons by whom such agreement was made or entered into, such agreement shall be binding and conclusive upon such commissioners or umpire; and the sum or sums so agreed upon shall be inserted by such commissioners or umpire in the certificate of the amount of such composition to be made by such commissioners or umpire as aforesaid, as if the same had been ascertained by such commissioners or umpire in manner required by this act: provided nevertheless, that if it shall appear to such commissioners or umpire that the amount of the composition specified in such agreement (if made payable to any incumbent or other person having an estate less than fee simple in such tithes, or any portion thereof), shall be below the average amount of the sums actually paid during such seven years as aforesaid, in respect of the tithes for which such composition shall be so agreed to be received, such commissioners or umpire shall state and certify their opinion to that effect; and in such case such commissioners or umpire shall insert in their certificate of the amount of such composition a sum equal to such average amount of the sums paid during such seven years, and such sum shall be stated as and for the amount of the composition ascertained and certified by such commissioners or umpire.

XXVIII. And be it further enacted, that within three days after the copy of such certificate of any commissioners of the amount of any such composition shall have been received by the churchwardens of any parish, such churchwardens shall cause public notice to be given, in the usual manner of giving notices for holding vestries in such parish, that a special vestry of persons qualified according to this act will be holden on some day to be named in such notice, being not less than seven days nor more than fourteen days distant from the publishing of such notice, for the purpose of taking into consideration such certificate of such commissioners; and such vestry so assembled may proceed to take such certificate into consideration, and may adjourn from time to time to any day not more than ten days distant from the first day of meeting; and if at such first day of meeting, or at any adjourned meeting of such vestry, which shall be held on any day not more than ten days distant from such first day of meeting, it shall be determined that an appeal shall be made against such certificate on account of any thing therein contained or omitted therefrom, to the prejudice of such parish, it shall be lawful for such vestry to direct that such appeal shall be made to the lord lieutenant, or other chief governor or governors of *Ireland*, in council, in the name of such vestry, on behalf of the said parish; and the grounds of such appeal shall be stated in writing, and shall be signed by the chairman of such vestry, and shall be transmitted by him, within two days after such meeting, to the clerk of the privy council; and in like manner it shall be lawful for any incumbent or impropriator, or body politic or corporate or collegiate, or any person or persons entitled to any tithes or portion of tithes in any parish, or the patron of the benefice (or where the king shall be patron, the attorney general in *Ireland*), who shall think themselves aggrieved by any thing contained in or omitted from such certificate, to appeal to the lord lieutenant, or other chief governor or governors of *Ireland*, in council, at any time within one calendar month next after the

Vestry or incumbent may appeal to lord lieutenant in council, against the certificate.

time when the duplicate of such certificate shall have been deposited with the registrar of the diocese as aforesaid; and such appeal, together with the grounds and reasons thereof in writing, shall be lodged with the clerk of the privy council within such calendar month; and in all cases of appeal, whether on behalf of the parish or of the incumbent, or other party entitled to tithes, notice of such appeal shall be inserted, by or on behalf of the party appellant, in the *Dublin Gazette*, once in two successive weeks after such appeal shall have been lodged with the clerk of the council as aforesaid.

Lord lieutenant and council may hear appeal, and modify composition.

XXIX. And be it further enacted, that it shall be lawful for the lord lieutenant, or other chief governor or governors, by and with the advice and consent of his majesty's privy council in *Ireland*, to hear and determine such appeal, and to make such order for the confirming, or for the decreasing or increasing or modifying the amount of the composition stated in such certificate, as to such lord lieutenant, or other chief governor or governors and council shall seem consonant to the true intent and meaning of this act; and such certificate, and the amount of the composition as ascertained thereby, and the entry of such certificate in the registry of the diocese, shall be altered and amended in such manner as shall be directed by the lord lieutenant, or other chief governor or governors and privy council.

Lord lieutenant and council may refer appeal to the next going judge of assize.

XXX. Provided always, and be it enacted, that whenever any such appeal shall be brought before the lord lieutenant, or other chief governor or governors of *Ireland*, in council, it shall be lawful for the lord lieutenant, or other chief governor or governors, by and with the advice of his majesty's privy council, to refer the matter of such appeal to the next going judge of assize in the county in which the parish shall be situate, to which such appeal shall relate; and it shall be lawful for such judge at the next ensuing assizes to be holden for such county, to hear and determine the merits of such appeal, and to make such order for the confirming or annulling, or abating or modifying the amount of such composition, as the lord lieutenant or other chief governor or governors of *Ireland*, in council, might have done under this act; and such certificate, and the amount of the composition ascertained thereby, and the entry thereof in the registry of the diocese, shall be altered and amended accordingly.

Certificate conclusive evidence of composition, and not invalidated by informality in proceedings.

XXXI. And be it further enacted, that the certificate of such commissioners or umpire as aforesaid shall be conclusive evidence of the amount of such composition, and that such composition was duly fixed and ascertained pursuant to the directions of this act; and such certificate and the amount of the composition thereby fixed and ascertained, shall be valid and effectual to all intents and purposes whatsoever, from and after the registry of such certificate, unless in case of such appeal against the same in manner hereinbefore mentioned; and in case of such appeal, then from and after the determination of such appeal; and such certificate shall not be otherwise disputed or called in question, or invalidated in any manner whatever, on account of or under pretext of any informality or irregularity with respect to any proceedings had under this act at any time previous to the making of such certificate; and the composition specified in such certificate shall take effect from the first day of *November* next ensuing the date of such certificate, and shall

When such composition shall commence, and how long continue.

continue to be levied for the term of twenty-one years from such first day of *November*, subject only to such variation as may be made in the amount thereof, according to the price of wheat or oats in any period of three years, according to the provisions hereinafter contained; and from and after the registry of such certificate, or after the determination of such appeal, as the case may be, the composition mentioned in such certificate, or to be ascertained upon such appeal as aforesaid, shall be deemed and taken to be, and to amount in law and in fact to a suspension of the right of claiming or taking the tithes for which such composition shall be made, or of any payment in respect of such tithes, other than the amount of such composition, for and during such term of twenty-one years; and all and every the owners and occupiers of any land in such parish shall, during the said term of twenty-one years, hold such land free and discharged of and from all tithes, and of and from all payments in respect of tithes, other than the amount of such composition; and no such tithes, nor any payment in lieu or satisfaction of such tithes, other than such composition, shall at time during such term of twenty-one years be claimed or taken by any incumbent, or any other person or persons whomsoever, either as owner or lessee of such tithes, or any portion of tithes, within such parish, any law, statute, custom or usage, or any lease, covenant or agreement to the contrary in anywise notwithstanding; and such composition shall be subject and liable to all such charges as the tithes in respect of which such composition shall have been made were by law subject and liable to: provided always, that when any owner or occupier of any land out of which any such tithes shall have been issuing shall be liable, by or under any covenant, to the payment of any sum or sums of money to the party entitled to such tithes, as and for the rent of such tithes, such owner or occupier shall, during the continuance of such covenant, pay such rent or sum to the person or persons entitled to the same, and such rent shall be received by such person or persons in lieu of such portion of such composition as shall be assessed and apportioned upon such occupier in respect of such land.

Composition shall suspend the right of taking tithes or payment for tithes, as herein mentioned.

Composition liable to same charges as tithes.

Rent of tithes to be paid in lieu of composition.

XXXII. Provided always, and it is hereby declared, that no proceedings under this act for effecting any composition for tithes shall take away or affect any right or claim to tithes which shall have accrued due before the time at which the composition specified in any such certificate is hereby directed to take effect, but all such tithes, and any compositions or sum or sums of money payable in lieu thereof, shall and may be recovered and recoverable in like manner, and by the same forms of proceeding, as if this act had not passed.

Proviso for tithes due before composition made.

XXXIII. Provided also, and be it enacted, that nothing herein contained shall extend or be construed to extend to or in anywise to affect or alter the powers or provisions of an act passed in the third year of the reign of his present majesty, intituled *an act to enable ecclesiastical persons and others, in Ireland, to grant leases of tithes so as to bind their successors*.

Proviso for 3 G. 4, c. 125 for leasing tithes.

XXXIV. And be it further enacted, that before the expiration of four calendar months after the first day of *November* next after the

Amount of composition shall be

assessed and
applotted by
commission-
ers on all
land not tithe
free, payable
by the occu-
piers.

Such assess-
ment to be
entered in a
book, and
signed by
commission-
ers.

No land ex-
empted from
assessment
solely in re-
spect of bar-
ren cattle
agisted, nor
of depending
claim of ex-
emption from
tithe.

Where lands
assessed to
composition
afterwards

making and signing of such certificate, the commissioners or umpire by whom such certificate shall be so made and signed shall, and they or he are and is hereby required to assess and applot the full amount of such composition upon all land within such parish, not being tithe free, equally in proportion, and according to the true annual value of the several lands; and the sums so assessed and applotted shall be paid from time to time by the occupiers of such land for the time being, or by the owners of such land occupying the same; and such assessment and applotment shall state the whole number of acres of land in such parish to be charged with the payment of such composition, the several sorts and qualities of such land in such parish, and the several districts or parts of the parish in which such land shall be situate respectively, and the rate or sum to be charged by the acre, or less quantity, on each of the several sorts and qualities of land, so that the whole amount of such composition may be raised as equally as possible on all the lands in the parish not being tithe free; and such assessment and applotment shall also state and set forth the proportion in which the rates or sums imposed on any land in respect of such composition shall be payable by the occupier of such land, or by the owner occupying such land from time to time for the time being, to and among the several persons entitled to such composition, or any part thereof, according to the certificate hereinbefore mentioned; and every such assessment or applotment shall be signed by the commissioners or umpire by whom the same shall be made; and every such assessment and applotment so made shall be entered in a book to be delivered by such commissioners or umpire to, and to be carefully kept in the custody of the resident ecclesiastical incumbent or minister of such parish, or if there shall not be any such resident ecclesiastical incumbent or minister, then in the custody of the churchwardens of such parish, or in such other place and in the custody of such person as shall be ordered and directed by such commissioners or umpire as aforesaid; and such book shall be open for the inspection of every occupier of land in the said parish, at all reasonable times, without fee or reward; and it shall be lawful for any such owner or occupier, at his own expense, to take any extract or copy of such assessment or applotment, or any part thereof.

XXXV. Provided always, and be it enacted, that no land, nor the occupier of any land, nor any owner of land occupying the same, shall be exempted from any assessment or applotment to be made under this act, nor from the payment of any part of any sum assessed or applotted under this act, solely upon the ground that dry or barren cattle have been fed or agisted on such land, or any part thereof; and that any claim of exemption, or the pendency of any action or suit in law or equity, respecting any alleged exemption of any lands from the payment of tithe, shall not prevent or delay the applotment or assessment of any part or portion of such composition upon such lands, nor the payment of such part or portion when ascertained and fixed according to the regulations of this act; and in case it shall happen that after any such applotment and assessment of any such composition shall have been made in any parish, any land in such parish made subject to the payment of any part of

such composition shall, by virtue of any decision in law or equity, be declared to be exempted from the payment of tithes, it shall be lawful for any two or more justices of the peace assembled in petty session, to assess and applot the sum formerly assessed on such lands so exempted, in proportion upon the occupiers of all other lands within such parish, not being tithe free, according to the nature and quality of the several lands holden by such occupiers respectively; and also to assess and applot upon the occupiers of such other lands any such sum and sums of money as shall be sufficient to repay to the occupier of the lands so exempted all such sums as shall have been paid in respect of any former composition made by virtue of this act, at any time after the claim shall have been made on which such exemption shall have been decided; and such last mentioned sum and sums of money shall be collected by the person or persons appointed to collect such composition, and shall by such person or persons be paid over to the occupier of such land so exempted, in such manner and under such regulations as shall be made by such justices for that purpose.

XXXVI. And be it further enacted, that copies of every assessment and applotment made by any commissioners or umpire under this act shall be made and attested by the commissioners or umpire, by whom such assessment or applotment shall be made, and shall be by them or him delivered to the ecclesiastical incumbent of such parish, and to all and every person and persons, or body politic or corporate or collegiate, or corporation, entitled to any portion of such composition, or to his or their agent, or to any person or persons appointed to collect such composition, or any portion thereof respectively, by or on behalf of such incumbent or other person or persons, or body politic or corporate or collegiate, or corporation; and it shall be lawful for any person or persons appointed for that purpose by such incumbent, or other person or persons, or body politic or corporate or collegiate, or corporation, and such person or persons so appointed are hereby authorized to collect and levy such compositions, or such part thereof, as such incumbent or other person or persons, or body politic or corporate or collegiate, or corporation, shall be entitled to, by two equal half-yearly payments in each year, the one whereof shall be and become due on the first day of *May*, and the other on the first day of *November*, in each and every year, during the continuance of such composition.

XXXVII. Provided always, and be it enacted, that upon the death, cession, resignation, or removal of the incumbent of any parish, or of any other person or persons entitled to any such composition for tithes, or any part, share, or proportion thereof, at any time in the half-year between the first day of *November* and the first day of *May*, or in the half-year between the first day of *May* and the first day of *November* respectively, every such incumbent, or his executors, administrators, or assigns, and every such other person or persons, shall be entitled to and shall receive so much and such part of the composition payable to such incumbent, or other person or persons, as shall be in proportion to the number of days elapsed between the first day of *November* or the first day of *May* next preceding the death, cession, resignation, or removal of such incumbent or other

declared exempted, occupier charged shall be repaid, &c.

Copies of assessment to be delivered by commissioners to incumbent and other persons entitled to composition, to be levied by half-yearly payments.

Apportionment of half-yearly composition on death of incumbent between 1st Nov. and 1st May, or between 1st May and 1st Nov.

person or persons, and the day of the death, cession, resignation or removal of such incumbent, or other person or persons.

Original
assessment
evidence of
sums payable

XXXVIII. And be it further enacted, that the original assessment and applotment made, signed and entered in such book as aforesaid, shall be conclusive evidence of the amount of the sums payable in respect of such composition for tithes in any such parish, and of the proportion in which such sums shall be payable to the incumbent, and other person or persons, or body politic or corporate or collegiate, or corporation, entitled to the whole or any part of such composition; and that the amount of such composition, and of the several portions thereof payable according to such assessment and applotment, and all arrears thereof from time to time, not exceeding the amount of one whole year of such composition, shall be a charge on the lands specified in such assessment and applotment during the continuance of such composition, and shall be payable by the occupier or occupiers of such lands, or by the owner of such lands occupying the same for the time being, according to the quantity of such lands which each such occupier shall from time to time hold and occupy; and that it shall be lawful for the incumbent, and for every or any other person or persons, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part, share or portion thereof, to receive the amount of such composition, or of such part, share or portion thereof, or to cause the same to be levied upon the several lands specified in such assessment and applotment, and on the several occupiers of such lands for the time being, in preference to any other charge upon such lands, whether for rent, or for any taxes or assessments, parliamentary or other, and in preference to any other charge whatever upon such lands, by all the ways and means allowed by law for the recovery of rent; and it shall and may be lawful for any collector or person appointed to collect and levy such composition, or any part thereof, by the incumbent, or other person or persons, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part thereof, to collect and levy the amount of such composition from time to time as the same shall become due: and every such collector so appointed shall collect and levy, and is hereby authorized, empowered and required to collect and levy all and every sum and sums of money which shall become due from time to time, in respect of such composition, to the incumbent, or other person, or body politic or corporate or collegiate, or corporation, in whose behalf such collector shall be appointed to levy the same; and every such incumbent, impropiator or other person or persons entitled to such composition, shall, in case of any execution levied, or any distress made upon any land, or upon any cattle, goods or chattels upon any land, or in any house situate on any land, liable to the payment of such composition, or any part thereof, be entitled in the first place to receive out of the produce of such distress all arrears (not exceeding one whole year's amount) of any composition for tithes payable in respect of such land, or in respect of any land of which such land shall form a part, in preference to any debt, rent, taxes or sum or sums whatever, for which such execution shall be levied, or such distress made; any law, statute, usage or custom to the contrary notwithstanding.

Composition
a preferable
charge on
land (not
exceeding
one year's
amount), and
leviable by
the collectors
of the in-
cumbent and
other parties
entitled, and
recoverable
as rent.

On execution
or distress on
land subject
to composi-
tion, one
year's arrears
thereof shall
be paid in
preference
to all other
demands.

XXXIX. Provided always, and be it enacted, that if any person shall feel himself or herself aggrieved by or dissatisfied with the rate or sum at which any land shall be assessed in such assessment or applotment, as compared with the rate or amount payable in respect of any other land in the same parish under such assessment or applotment, it shall be lawful for such person so feeling himself or herself so aggrieved, to appeal to the justices of the peace at their general quarter sessions of the peace, or any adjournment thereof, for the county or place in which such parish shall be situate, giving such notice and entering into such recognizance as is hereinafter provided; and it shall be lawful for such justices to order any such alteration or amendment to be made in such assessment or applotment as shall appear to them to be requisite and necessary according to the justice of the case, as well in the amount of the assessment made on the land of the party appealing, as in the amount of the assessment on the land of any other party or parties mentioned in such appeal; and the determination of such justices in session shall be binding, final and conclusive on all parties, to all intents and purposes, and the assessment or applotment shall be amended accordingly in the book in which the same shall have been originally entered, pursuant to this act, and a re-assessment or re-applotment, between such parties and persons only, shall be made pursuant to the directions of such justices, as the case may require, and such amendment shall be signed in such book by the chairman present at such session; and such book so amended, and such re-assessment or re-applotment, shall be thenceforth conclusive evidence of the sum due in respect of such land: provided always, that no diminution or alteration shall be made in the total amount of such composition, or of the whole sum to be raised in such parish, by any such amendment of any such assessment or applotment, but that the effect of such amendment shall be the equal assessment on the lands of the parties appealing and appealed against, of their several shares and proportions of the whole of such composition and assessment.

Parties aggrieved by assessment or applotment may appeal to quarter sessions, who may amend the same.

Proviso as to diminution of total amount of composition.

XL. Provided always, and be it enacted, that in case such assessment and applotment of such composition shall not be made within four calendar months next after such first day of *November*, then and in such case, and until such assessment and applotment shall be so made, it shall be lawful for any person or persons appointed to collect such composition, or any portion thereof, respectively to collect and levy the same according to the last applotment or assessment made in such parish for the levying of any parish cess raised in such parish; and every collector of such parish cess shall, whenever thereto required by or on behalf of the incumbent or other person or persons entitled to such composition or any portion thereof, deliver to or for the use of such incumbent or other person or persons a true copy of the last applotment or assessment made and in force in such parish in respect of the parish cess payable therein; and the several persons liable to the payment of any such applotment or assessment shall be liable to the payment of the full amount of the half-yearly payments of such composition under this act, and the full amount of every such half-yearly payment shall be levied on all such persons respectively, in proportion to the amount of the several

On failure of assessment by commissioners, composition shall be levied according to the parish cess.

assessments made on them in respect of such parish cess; and it shall be lawful for every collector of such composition, or any portion thereof, and every such collector is hereby respectively authorized and required to collect and levy such composition, and the several parts and proportions thereof payable by any such persons liable to the payment of such parish cess, with the like powers and authorities, and in like manner to all intents and purposes, as if such assessment had been duly made by such commissioners or umpire as aforesaid.

Owners of land in any parish for tithes of which composition is made under this act, shall let such land tithe free, and the occupier paying the composition may deduct it out of his rent.

XLI. And be it further enacted, that whenever, under the provisions of this act, any composition shall be made for the tithes payable in any parish, every person who shall afterwards let, set, or demise any land lying within such parish, at a rack rent, shall make such lease or demise free from the payment of tithes during the continuance of such composition; and in such case it shall and may be lawful for the lessee or occupier of such land, and every such lessee or occupier is hereby authorized and required to pay the amount of such composition as shall be due from time to time, in respect of the lands demised by such lease, to the incumbent and other person, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part thereof, or to the person or persons employed to collect such composition; and it shall be lawful for such lessee or occupier of such land to deduct the amount of all such payments from time to time out of the amount of rent payable by such lessee or occupier of such land to his immediate landlord; and the receipt or acquittance of the incumbent or impropriator, or other person, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part thereof, or of his or their collector, or the receipt of any such collector, having levied any such composition, or any part thereof, under the authority of this act, and which receipt such collector is hereby required to give whenever the same shall be demanded, shall be a good and sufficient discharge to the lessee or occupier of such land, for so much of the rent payable by such lessee or occupier to such landlord, as the sum specified in such receipt to be the proportion of such composition paid by such lessee or occupier shall amount unto; and every such landlord shall accept such receipt in payment of so much of the rent payable by such lessee or occupier to him: provided always, that in cases where either the landlord or the occupier of any such land shall be one of the persuasion of the people called *Quakers*, the receipt of any collector having collected or levied any such composition, or any part thereof, and which receipt such collector is hereby required to give in such case, whether the same shall be demanded or not, shall express the whole sum paid or satisfied by such lessee or occupier, including, in the case of levy, the expenses of such levy; and such receipt being produced to such landlord, such landlord shall accept the same in payment (or shall suffer the amount thereof to be deducted as in payment) of so much of the rent payable to him by such lessee or occupier, as shall be equal to the whole of such sum: provided also, that the receipt of such landlord for the sum which shall remain due for such rent, after deducting the amount of the composition specified in the receipt

Proviso where Quakers are landlords or tenants.

of such collector, shall be taken and received by such tenant (the said tenant retaining the receipt of such collector) as a full discharge for the whole amount of rent due: provided also, that every such lease shall contain a proviso, that in case such composition shall cease and determine at any time during the continuance of such lease, the rent reserved in such lease shall be reduced in amount by a sum equal to the amount of such composition: provided also, that no deduction on account of composition of tithes under this act shall be held to be a discharge of any portion of any gale, or quarterly or other payment of rent, due by such lessee or occupier of such land, so as to prejudice the right of such landlord to recover the possession of such land by ejectment for nonpayment of the rent thereof, in any case where the remaining portion of such gale shall be unpaid; but that it shall and may be lawful for such landlord to proceed for the recovery of such land by ejectment, as effectually as if the entire gale, or quarterly or other payment of rent, out of which such deduction is hereby allowed, had remained wholly due and unpaid to such landlord.

Receipt a full discharge.

Deductions on account of tithes not a discharge to prevent ejectment for nonpayment, if any part remains unpaid.

XLII. And be it further enacted, that so much and such parts of an act made in the parliament of *Ireland* in the first year of the reign of king *George* the second, intituled *an act for the more easy recovery of tithes, and other ecclesiastical dues of small value*; and of an act made in the parliament of *Ireland* in the seventh year of the reign of his late majesty king *George* the third, for continuing and amending an act of the third year of his said late majesty's reign, made for amending and explaining an act of the thirty-third year of the reign of king *Henry* the eighth, *for tithes*, as relates to proceedings against the people called *Quakers*, refusing to set out or pay or compound for tithes, for the recovery of such tithes, not exceeding the sum of ten pounds, and also so much of an act made in the parliament of the united kingdom in the fifty-fourth year of the reign of his said late majesty, intituled *an act for the better regulation of ecclesiastical courts in Ireland, and for the more easy recovery of church rates and tithes*, as extends the said provisions of the said act of the seventh year of his said late majesty's reign to any value not exceeding fifty pounds, shall extend and be construed to extend, and shall be applied and put in execution for the recovery of any composition for tithes, or any part thereof, which shall be payable under this act in respect of any land in the occupation of any of the people called *Quakers*, or whereof any *Quaker* shall be owner or proprietor, in all cases where the occupier of such land, or the owner occupying such land, shall refuse to pay such composition, or any part thereof, to all intents and purposes as if such composition had been in force at the time of the making of the said recited acts.

Provisions of 1 G. 2, c. 12, (I.) and 7 G. 3, c. 21, s. 11, (I.), for recovery of tithes, as extended by 54 G. 3, c. 68, s. 6., applied for recovery from Quakers of composition for tithes under this act.

XLIII. And be it further enacted, that at any time between the first day of *May* and the first day of *October* in the third year next after the first day of *November* on which any composition for tithes under this act shall commence in any parish under the provisions of this act, and in like manner at any time between the first day of *May* and the first day of *October* in every subsequent third year during the continuance of such composition, but in no other or intermediate year, it shall and may be lawful for the ecclesiastical

Between 1st May and 1st Oct. in the third year after 1st Nov. from which composition shall have commenced (and so in every subsequent third

year), incumbent, or tithe owners, or three landholders charged with £3 a year to composition money, (on notice) may apply to quarter sessions to alter amount of composition for ensuing three years, in proportion to average price of wheat or oats for three years preceding.

If price of wheat or oats (according to prevalent growth in the county) in preceding three years varies by one tenth from price stated in certificate of composition, composition shall be increased or diminished by the sessions for

incumbent of such parish, or for any other person or persons, or body corporate or collegiate, or corporation sole or aggregate, entitled to such composition, or any part thereof, or for any three or more owners or occupiers of land in such parish charged with the payment of the sum of three pounds or upwards each, in respect of any such composition, to cause a notice in writing, signed by such incumbent or other person or persons, or by the steward or agent of any such body corporate or collegiate, or corporation, or by such owners or occupiers of land, to be affixed on the principal outer door of the church of such parish, or if there shall not be any church in such parish, then upon the principal outer door of every known place of religious worship in such parish, on two successive *Sundays*, the last of such *Sundays* not being less than eight days previous to the day of holding the then ensuing quarter session for the peace in the county in which such parish shall be situate, signifying that it is the intent of such incumbent or other person or persons, or body corporate, or corporation, or owners or occupiers of land, to make application to the justices of the peace at such quarter sessions to have the average price of wheat or oats for the three years preceding inquired of and ascertained, in order that such composition may be varied and increased or diminished for the ensuing three years, in proportion to such average price; and it shall be lawful for the persons or parties by or on whose behalf such notice shall have been so given, to make such application to such justices at such quarter sessions, in writing, for such purpose accordingly; and thereupon it shall be lawful for such justices, and they are hereby required, at such sessions or any adjournment thereof, to ascertain the average price of good marketable wheat or oats within the said county, for the term of three years next preceding such application; and for that purpose it shall be lawful for the said justices at such quarter sessions (if they shall think fit so to do) to nominate and appoint a person to be an arbitrator for ascertaining the average price of the barrel of good marketable wheat or oats within such county for the term of three years then last past; and such arbitrator is here authorized and required, from the *Dublin Gazette*, to ascertain the price of a barrel of good marketable wheat or oats, upon the average of such term of three years preceding, and to state and set forth such average price by his report in writing under his hand, to be delivered to the justices at such session or some adjournment thereof, or at such time as such justices shall direct; and if it shall appear that the average price of wheat, where wheat shall have been taken as the measure of composition for tithes in such county, or that the average price of oats, where oats shall have been taken as the measure of composition for tithes in such county, for such three years preceding, is more or less by one-tenth than the average price thereof set forth in the original certificate of such composition, then and in such case the amount of such composition shall be increased or diminished, by order of such justices at such session, in such manner and to such extent that the amount of such composition payable for and during the next ensuing three years shall bear the like proportion to the amount of the composition set forth in such original certificate, as the average price of wheat

or oats so ascertained at the time of such application shall bear to the price thereof set forth in such original certificate; and such revised or new composition shall be divided among the several parties entitled to receive the same, in such shares and proportions as shall be stated in the certificate made of the original composition; and the assessment and applotment of such composition shall be increased or diminished by the order of such justices, so as to bear the like proportions to the amount of the composition payable for and during such three years, as the original assessment and applotment did bear to such original composition; and such revised and new composition shall be in full force for three years from the first day of *November* then next ensuing, and until such composition shall afterwards, upon a like application, be again varied and ascertained, according to the average price of wheat during the term of three years then last past; and the several parties are hereby respectively authorized to make such further applications from time to time, after the expiration of every term of three years during the continuance of such composition, in such or the like manner and form as hereinbefore mentioned and directed with respect to the first application; and the costs, charges and expenses of every such application to the court of quarter sessions, and of varying and re-ascertaining the amount of such composition and the applotment thereof as aforesaid, shall be defrayed by the person or persons who shall give such notice and make such application as aforesaid, or in such other manner as such justices at such quarter sessions shall order and direct.

the next
three years
from 1st Nov.

and so from
three years
to three
years.

XLIV. And be it declared and enacted, that from and immediately after the expiration of the term of twenty-one years for which any composition for tithes in any parish shall be made under the authority of this act, all right and claim to such tithes, and all remedies for the recovery of the same, shall revive and be renewed, and such tithes shall be yielded and paid and payable, and recovered and recoverable in all respects, and to all intents and purposes, as if this act had not been made, and as if no such composition had been made or paid under this act; any thing in this act contained to the contrary in anywise notwithstanding.

After twenty
one years,
when compo-
sition shall
cease, right
to tithes
shall revive.

XLV. And be it further enacted, that this act, and the several provisions therein contained shall extend, and be deemed and construed to extend, to all ecclesiastical persons, and bodies corporate or collegiate, and to all corporations sole or aggregate, and to all incumbents of parishes, whether rectors, vicars or curates, and to all impropriators and appropriators, and to all and every person and persons whomsoever, ecclesiastical or lay, being the owner or owners of, or entitled to any tithes or portions of tithes in *Ireland*, as fully and effectually as if all such persons, or bodies corporate or collegiate, or corporations sole or aggregate, were named, specified or referred to in the several clauses of this act, and to the known agents or stewards of all such persons or bodies corporate or collegiate, or corporations, duly authorized respectively; and that all notices by this act required to be given to; and all matters by this act required to be done by any such person or body corporate or collegiate, shall and may, in the absence of any such persons, and

Act to extend
to all persons
and corpora-
tions entitled
to tithes, and
their agents
and stewards.

One church-warden, or person appointed to act as such may act.

on behalf of any such body politic or corporate or collegiate, or corporation, be given to and done by any such known agent or steward duly authorized thereto respectively; and all such matters and things which shall be done in the due execution of this act by any such known agent or steward, duly authorized on behalf of any such person or body corporate or collegiate, or corporation, shall be as valid and effectual as if the same had been done by such person, or body corporate or collegiate, or corporation, to all intents and purposes whatsoever; and that all matters by this act required to be done by or with relation to the churchwardens of any parish, shall and may be done by or with relation to any one churchwarden where there shall be only one churchwarden in any parish; and in cases where it shall happen that there shall not be any churchwarden in any parish, then all matters by this required to be done by or with relation to the churchwardens of any such parish, shall and may be lawfully done by or with relation to any one or more person or persons to be for that purpose nominated and appointed as and in lieu and instead of churchwardens or a churchwarden of and for such parish, by order of the lord lieutenant or other chief governor or governors of *Ireland*, in case such lord lieutenant or other chief governor or governors shall think fit so to do, on the application of the ecclesiastical incumbent of such parish for such purpose; and all acts, matters and things done and performed under this act by or with relation to any such person so to be nominated and appointed as and in lieu and instead of a churchwarden, shall be as good and effectual, to all intents and purposes whatsoever, as if the same were done and performed by the churchwardens or churchwarden of any parish duly appointed according to law.

Proceedings under act in united benefices to be carried on in the several parishes of such union.

XLVI. Provided always, and be it enacted, that where any two or more parishes shall have been or shall be united into one benefice under any act or acts in force in *Ireland*, such union shall not be considered as one parish for the purposes of this act, but the provisions of this act shall be carried into effect in the several parishes of any such union or united benefices, or any of them; and the ecclesiastical incumbent and the churchwardens entitled by law to act in or for any such parish as part of such union or united benefice, shall act in and for any such parish in the execution of this act, as if such parish were and remained a distinct and separate benefice; any such union, or any thing contained in any act or acts in force in *Ireland* relating to such unions, to the contrary in anywise notwithstanding.

How proceedings may be had for executing act in extraparochial places.

XLVII. And be it further enacted, that in any one or more place or places being extraparochial, or where the parish in which any place or places is or are situate is not known, or where the tithes payable are wholly appropriate or inappropriate, and the owners or occupiers of the land situate in such place or places are liable to any tithes payable to the same person or persons, and the number of such owners or occupiers shall be too small to furnish a sufficient number of vestrymen, but shall be sufficient in the aggregate so to do, it shall and may be lawful for the person or persons entitled to such tithes, or for any five or more of the owners or occupiers of land qualified as hereinbefore mentioned, or where there shall not be five such owners or occupiers, then for the persons or a majority

of the persons entitled to the lands subject to such tithes as are wholly payable to the same person or persons, to apply to the lord lieutenant or other chief governor or governors of *Ireland*, to give orders and directions that a vestry or meeting shall be held for the carrying into effect the purposes of this act with respect to any such place or aggregate places; and in such case it shall be lawful for the lord lieutenant or other chief governor or governors, if he or they shall think fit so to do, to direct that a vestry shall be holden for the purposes of this act, in the church of some parish, which shall be for that purpose appointed by the bishop of the diocese in which such extraparochial place or places shall be situated: and the bishop of such diocese shall, on notice of any such orders or directions of the lord lieutenant or other chief governor or governors, appoint and nominate some church accordingly; and some person or persons shall in such case be nominated by such lord lieutenant or other chief governor or governors to act as churchwarden or churchwardens, for the carrying this act into effect with respect to such tithes; and it shall be lawful for the persons liable to the payment of county cess charges in such extraparochial place or aggregate places, and for the person or persons entitled to such tithes, to meet and appoint commissioners for ascertaining the composition to be paid for such tithes, and to do all acts, matters and things respecting the making and carrying into effect of such composition, as are required or authorized by this act to be done by the parishioners and incumbent of any parish in vestry assembled, or otherwise for the purposes of this act; and all questions relating to any matter or thing to be done by or at any such vestry shall be determined by the votes of the persons liable to the payment of such county cess charges, in like manner as is directed in other cases by this act; and any composition made and certified by any commissioners or umpire to be for that purpose appointed, with respect to such tithes, shall be as good, valid and effectual, to all intents and purposes, as any other composition directed or authorized to be made under the provisions of this act.

XLVIII. Provided also, and be it enacted, that whenever any sequestration of the profits of any benefice in *Ireland* shall be made and in force, it shall not be lawful for the incumbent of such benefice to do any matter or thing whatever in the execution of this act, for, or towards, or relating to the making any composition for any tithes or portion of tithes payable to such incumbent, or for the collection or receipt of such composition, without the consent in writing under the hand or hands of the person or persons by whom or on whose behalf such sequestration shall have been made, or shall have taken place, so long as such sequestration shall remain in force; and that all matters and things which shall be done with relation to this act by any such incumbent, without the consent of such person or persons in writing as aforesaid, shall be null and void; any thing in this act contained to the contrary thereof in anywise notwithstanding.

XLIX. And be it further enacted, that whenever any benefice or parish in *Ireland* shall be vacant of an ecclesiastical incumbent, it shall and may be lawful for the lord lieutenant or other chief

Where benefice is sequestered, incumbent shall not act without consent of sequestrator.

During vacancies of benefices, lord lieutenant,

with consent of patron and bishop, may order vestry to be assembled, and may appoint a person to act for incumbent in execution of this act.

governor or governors of *Ireland*, upon the application or with the consent of the patron of such living (or with the consent of the king's attorney general in *Ireland*, in cases where the king shall be the patron), and also with the consent of the bishop of the diocese in which such parish shall be situate, to give orders and directions for the assembling of a special vestry in such parish, at any time during such vacancy, for the carrying into effect the purposes of this act, to be held according to the directions of this act, by persons qualified in manner hereinbefore directed; and in such case it shall be lawful for such lord lieutenant or other chief governor or governors of *Ireland*, to nominate and appoint some person, to be approved of by the patron of such benefice and the bishop of the diocese, to do and perform all acts, matters and things whatsoever, which, under the regulations of this act, are required or authorized to be done by any incumbent entitled to any tithes or portion of tithes in such parish, for the making a composition for tithes, and for carrying into effect the purposes of this act; and in such case all acts, matters and things whatever, which shall be done and performed by such person so appointed, shall be as good, valid and effectual to all intents and purposes, as if such acts, matters and things were done and performed by any ecclesiastical incumbent of such parish, entitled to any tithes or portion of tithes in such parish.

Possession of land by occupier discharged of tithes, and payment and receipt of composition by incumbent, &c. deemed possession and payment of tithes.

L. And be it further enacted, that the possession and enjoyment of the lands, on or out of which any composition shall be charged and payable under this act, by the occupier of such lands, discharged from the payment of such tithes during the continuance of such composition, and the receipt of such composition by the incumbent, or other person or persons, or body politic or corporate or collegiate, or corporation, entitled to the same, or any proportion thereof, shall be deemed and taken to be in law and in fact tantamount to, and to be, the actual possession and enjoyment of such tithes by such incumbent or other person or persons, or body politic or corporate or collegiate, or corporation, and of his or their successor or successors; and that the payment of any composition, or any part thereof, under this act, shall be deemed and taken to be the payment of the tithes in satisfaction of which such composition, or any part thereof, shall be payable; and shall and may be so alleged and insisted upon, in all and every or any proceedings in law and equity in all cases whatsoever.

Lord lieutenant may order advance of money for executing act in any parish, not exceeding £300, to be repaid by assessment in addition to tithe composition, by instalments of one-fifth in five successive years

LI. And be it further enacted, that it shall and may be lawful to and for the lord lieutenant, or other chief governor or governors of *Ireland* for the time being, to order and direct that any such sum or sums of money as he or they shall think proper shall from time to time be advanced out of the produce of the consolidated fund arising in *Ireland*, for the defraying of any expenses to be incurred in the carrying this act into execution in any parish in *Ireland*, not exceeding the sum of three hundred pounds with relation to any one parish; and that all such advances shall be made to such persons, at such times, in such manner, and under such rules and regulations, as shall from time to time be ordered and directed by such lord lieutenant or other chief governor or governors of *Ireland*, and as shall be signified in the usual manner by the chief secretary of such lord

lieutenant or other chief governor or governors, or in his absence by the under secretary; and that a certificate of the amount of any money so advanced under the hand of such chief secretary or under secretary, shall be sent to the treasurer of the county, who shall forthwith direct his warrant to any collector or collectors of the assessments made in such parish under presentments of the grand jury for the year next after the receipt of such certificate, and it shall be lawful for such collector or collectors, and he and they is and are hereby authorized and required to collect and levy one-fifth part of the amount of the money contained in such certificate, on and among the owners and occupiers of land in such parish liable to the payment of any composition made under this act, in exact proportion to the amount of the assessment and applotment of the composition or part of the composition payable by such owners or occupiers; and in like manner one other fifth part of such amount in each of the four years next ensuing; and such amount shall be collected and levied by such person authorized to collect and levy the assessments made in such parish under presentments of the grand jury, at such time, and with such powers, and in like manner in all respects, as such assessments may be collected and levied; and all money so collected in respect of such advance shall be paid over, by the person receiving the same, to the collector of excise for the district in which such parish shall be situate, to be accounted for by him as any other public money in his hands; and the receipt of such collector of excise shall be a sufficient acquittance to the collector of such assessment, and shall be allowed accordingly in his account with the treasurer of the county.

LII. Provided always, and be it enacted, that no person employed as a commissioner or umpire in the execution of this act shall receive any higher or greater sum or payment or remuneration for the performance of his duty under this act, than after the rate of one pound and ten shillings for every day during which he shall of necessity be employed in the execution of the duties required to be performed by him under this act, over and above the necessary expenses of travelling, and other expenses necessarily and actually incurred in the discharge of such duties; and that an account of the attendance of every such commissioner or umpire, and of such his expenses of travelling, and other his necessary expenses, shall be stated under the hands of the commissioners or umpire acting in execution of this act; and that the charges and accounts of any surveyor to be employed under this act shall be examined, certified and approved by the commissioners or umpire under whom such surveyor shall be employed; and that all and every such accounts and charges of such commissioners, umpire and surveyor, shall be submitted to and examined and approved by some competent person or persons, to be for that purpose appointed by the lord lieutenant or chief governor or governors of *Ireland*, before payment of the same shall be made under any order of such lord lieutenant or other chief governor or governors of *Ireland*: provided also, that any money which shall have been advanced under the orders of the lord lieutenant or other chief governor or governors of *Ireland*, for the payment of any commissioner appointed by or on behalf of the incumbent, impropiator,

Remuneration to commissioners and umpire.

Payment of advances to commissioners for incumbent out of composition.

or other person or persons entitled to the composition for tithes in such parish, or any portion of such composition, shall be paid out of the amount of such composition payable to such incumbent, impropriator, or other person or persons, at such time and in such manner as shall from time to time be directed by such lord lieutenant or other chief governor or governors.

Recovery of penalties before one justice of peace.

Distress.

Offender detained.

Imprisonment.

Application of penalties.

Form of conviction.

LIII. And be it further enacted, that all penalties and forfeitures inflicted or imposed by this act (the recovery and application whereof are not before provided for), may, in case of nonpayment thereof, be recovered in a summary way by the order and adjudication of any one justice of the peace for the county or place in which such penalty shall be incurred, on complaint to him for that purpose exhibited, and shall afterwards be levied, as well as the costs of such proceedings, in case of nonpayment, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by warrant under the hand and seal of such justice; and such justice is hereby authorized and required to summon before him any witness or witnesses, and to examine such witness or witnesses upon oath (or affirmation) of and concerning such offences, matters or things, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the fine, penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned upon demand to the owner or owners of the goods or chattels so seized or distrained; and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justice to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justice, for his or their appearance before such justice on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said justice is hereby empowered to take, by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such justice, or any other justice of the peace for such county or place as aforesaid, and he is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the gaol of such county or place, there to remain without bail or mainprize for any term not exceeding two calendar months, unless such penalties or forfeitures respectively, and all reasonable charges, shall be sooner paid and satisfied; and one moiety of such penalties or forfeitures, when so levied, shall be paid to the person who shall sue or prosecute for the same, and the other moiety shall be paid and applied to the use of the poor of the parish in which such offence shall be committed, in such manner as such justice shall direct and appoint.

LIV. And for the more easy and speedy conviction of the offenders against this act, be it further enacted, that every justice of the peace, before whom any person or persons shall be convicted of any offence

against this act, shall and may cause the conviction to be drawn up in the following form of words (as the case shall happen), or in any other form of words to the same effect; (that is to say),

To wit. } **B**E it remembered, that on the day of _____ in the year of our lord

A. B. is convicted before me one of his majesty's justices of the peace of the said county [or city, or town, *as the case may be*], by virtue of an act passed in the fourth year of the reign of king *George* the fourth, intituled *an act* [here set forth the title of this act, and specify the offence, and when and where committed.] Given under my hand and seal, the day and year above written.

LV. Provided always, and be it further enacted, that it shall be lawful for any person, who shall think himself or herself aggrieved by any such conviction, to appeal to the justices of the peace at the next general or quarter sessions of the peace to be holden for the county or place; and every person appealing against any such conviction, or against any assessment or applotment of any composition under this act, as hereinbefore mentioned, shall (if there be sufficient time after the cause of complaint shall have arisen) first give, or cause to be given, ten days' notice at least, in writing, of his or her intention of bringing such appeal, and of the matter thereof, to the justice or other person or persons whose conviction or act or determination shall be so appealed against, and within seven days next after the date of such notice, shall enter into a recognizance before some justice of the peace for the county or place, with two sufficient sureties, conditioned to try such appeal, and to abide by or to submit to the order thereon, and to pay such costs as shall be awarded by the justices at such quarter sessions or any adjournment thereof; and for want of sufficient time for giving such notice previous to the quarter sessions next after the cause of any such complaint shall have happened, then such appeal, after such notice, and under such recognizance, may be made at the second general or quarter sessions of the peace to be holden for such county or place; and the justices, at such first or second sessions, or any adjournment thereof, upon due proof of such notice having been given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the cause and matter of such appeal in a summary way, and shall award such costs to the parties appealing or appealed against as they the said justices shall think proper; and the determination of such justices at such sessions shall be final, binding and conclusive to all intents and purposes; and it shall be lawful for the said justices at such sessions, by their order or warrant, to levy such costs so awarded, by distress and sale of the goods and chattels of the person or persons who shall refuse or neglect to pay the same, and for want of sufficient distress to commit such person or persons to the common gaol or house of correction for the said county, there to remain for any time not exceeding two calendar months, or until payment of such costs.

Persons aggrieved by conviction or assessment under this act may appeal to quarter sessions.

Notice and security.

Costs of appeal recoverable by distress.

Imprisonment.

Commissioners and umpire authorized to

LVI. And be it further enacted, that it shall be lawful for any commissioner or commissioners, acting in the execution of this act, in any parish in *Ireland*, or for any umpire appointed by any such

examine witnesses on oath or affirmation.	commissioners, or by the lord lieutenant or other chief governor or governors of <i>Ireland</i> , and every such commissioner and umpire is hereby authorized and empowered, to call before them, and to examine any person or persons upon oath or solemn affirmation, as well in any case specially provided for by this act, as in any other case in which it shall be requisite and necessary for any such commissioner or umpire so to do in the execution of this act; and which oath or affirmation any such commissioner or umpire is hereby
Quakers' affirmation.	authorized and empowered to administer; and that in all cases where any oath is by this act authorized and empowered to be taken or administered, the solemn affirmation of any of the people called <i>Quakers</i> shall and may be admitted and taken and administered; and that if in any oath or affirmation authorized or required to be taken under this act, or in any examination upon oath or affirmation authorized or required by this act, any person shall wilfully
False swearing.	swear or affirm falsely, every such person being duly convicted of such offence, shall be subject and liable to all such pains, penalties, forfeitures and disabilities, as persons guilty of wilful and corrupt
Perjury.	perjury are subject and liable to by the laws in force in <i>Ireland</i> .
Proceedings not quashed for want of form.	LVII. And be it further enacted, that no order or proceeding made or had touching or concerning any of the matters in this act contained, nor any proceedings to be had touching the conviction of any offender or offenders against this act, shall be quashed for want of form, nor be removed or removable by <i>certiorari</i> , or any other writ or process whatsoever, into any of his majesty's courts of record at <i>Dublin</i> ; and where any distress shall be made for any sum or sums of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the summons or conviction, or in the warrant of distress or other proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers <i>ab initio</i> , on account of any irregularity which shall be afterwards committed by the party or parties distraining; but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage (if any) in an action on the case; but no plaintiff or plaintiffs shall recover in any action for such irregularity as aforesaid, if tender of sufficient amends hath been made by or on behalf of the party distraining, before such action commenced.
Tender of amends.	
Limitation of actions, &c.	LVIII. And be it further enacted, that no action, suit or proceeding shall be commenced or prosecuted against any justice of the peace, or any commissioner or umpire, or other person or persons, for any thing done in pursuance of this act, until thirty days' notice thereof shall be given to such justice, or commissioner, or umpire or other person or persons, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after the expiration of three calendar months next after the fact committed; and every such action or suit or prosecution shall be laid or brought in the county, county of a city, or county of a town, where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action, suit or prosecution, shall and may, at his or their election, plead specially, or the genereal issue, not
Venue.	
General issue.	

General
avowry in
replevin.

Double costs.

[Schedule

Schedules to which this Act refers.

SCHEDULE A.

List of persons in the parish of _____ who have been charged with and have paid county cess charges or grand jury rates, for any land not being tithe free within the said parish, in the year ending on the _____ day of _____ to the amount of twenty shillings and upwards.

NAMES.	Quantity of Land charged.	Amount charged.			Amount actually paid.		
		£	s.	d.	£	s.	d.
Murphy, Patrick	Acres. 40	20	0	0	20	0	0
Burke, James	40	20	0	0	15	0	0
Connor, Luke	30	15	0	0	15	0	0
Dempsey, Thomas	30	15	0	0	15	0	0
Anderson, William	20	10	0	0	10	0	0
O'Connor, Dennis	15	7	10	0	7	10	0
Purcell, Peter	15	7	10	0	7	10	0

I *H. C.*, high constable of _____ [or collector of the county cess charges or grand jury rates in the parish of _____], do make oath, that the above list contains a true and just account of the names of all persons required to be returned by me, under an act made in the fourth year of the reign of king *George* the fourth, intituled [*here set forth the title of this act.*]

Signed, *H. C.*
High constable of _____,
[or collector of grand jury cess
in the parish of _____.]

Sworn before me, this _____ day of _____
at _____
J. P.
[Justice of the peace
for _____.]

SCHEDULE B.

WE, *A. B.* and *C. D.*, commissioners duly appointed and sworn, [or *I.*, *E. F.*, having been duly appointed and sworn an umpire], under and by virtue of an act made in the fourth year of the reign of king *George* the fourth, intituled [*here set forth the title of this act*], to ascertain and fix a true and just composition for all tithes arising, growing, yielded or payable within the parish of *C.* in the county of _____ do hereby certify, that the true and just amount of composition for all tithes whatever within the said parish is _____ pounds by the year. Of which sum of

_____ pounds, three-fourth parts [*or such other proportion as shall be specified*] are due and payable to

as a composition for the tithe claimable by him [or them] as rector of the said parish [or, as owner of the rectorial tithe, or, as lay impropriator], one-eighth part [*or such other proportion as shall be specified*] is due and payable to _____ the vicar [or, to

_____ as owner of the vicarial tithes] of the said parish; and one-eighth part [*or such other proportion as shall be specified*] is due and payable to the bishop of the diocese of _____

: [*or such other proportions, and payable to such persons as the nature of the case shall require.*]

And we [or, *I*] do further certify, that the average price of wheat, being the corn principally grown in such county, for the period of seven years, ending on the _____ day of _____

is _____ shillings *per* barrel, [or, that the average price of oats, being the corn principally grown in such county, for the period of seven years, ending on the _____ day of _____, is _____ shillings *per* barrel.]

(Signed) $\left\{ \begin{array}{l} A.B. \\ C.D. \end{array} \right\}$ Commissioners.
[or, *E. F.* umpire.]

5 GEORGE 4, CAP. 63.—*An act to amend an act of the last session of parliament, for providing for the establishing of compositions for tithes in Ireland.*—Whereas an act was made in the last session of parliament, intituled *an act to provide for the establishing of compositions for tithes in Ireland, for a limited time*: and whereas, in order to render the operation of the said act more extensively beneficial, certain amendments are required to be made in the same: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, so much of the said recited act shall be repealed as requires or directs that any list of the names and residences of persons charged with and having paid county cess charges or grand jury rates, for or in respect of any lands within any parish, which shall be made by any high constable or collector for the purposes of the said act, shall be verified on the oath of such high constable or collector in manner in the said act specified; and so much of the said recited act is hereby repealed

So much of s. 3 of recited act as requires lists to be verified on oath, repealed.

accordingly ; and in the subscription to any such list by any such high constable or collector, the words “do certify” shall be inserted instead of the words “do make oath,” required by the form of such list set forth in the schedule (A.) annexed to the said recited act.

Where parishes are situate in more than one county or barony, &c. the several county or barony collectors shall deliver lists of persons charged to county cess, and such lists shall be combined by the churchwardens into one such list, as is required by 4 G. 4, c. 99, s. 3.

II. And be it further enacted, that in cases where it shall happen that any parish, in respect of which any application shall be made for carrying into execution the said recited act and this act, shall be situate in more than one county or barony, or partly in a county and partly in a county of a city, county of a town or town corporate, every high constable or other collector of the county cess charges and grand jury rates for the several parts of such parish shall, whenever thereto required, in such manner as by the said recited act is directed with respect to any high constable or collector mentioned in the said recited act, and every such high constable or other collector for the several parts of any such parish is hereby authorized and required to prepare and deliver to the churchwardens or churchwarden of such parish a list, containing the names and residences of all and every persons and person who shall have been charged with and shall have paid such county cess charges or grand jury rates, for and in respect of any lands (not being tithe free), to an amount exceeding twenty shillings in the whole within the year next preceding, within any part of such parish the county cess charges or grand jury rates whereof such high constable or collector respectively is required to collect, together with the amount of the several and respective sums charged on and paid by every person whose name shall be contained in any such list ; and the churchwardens or churchwarden of such parish shall, by combining together such several lists, make out a list in such form and manner as by the said act is required to be made out and delivered by the high constable or collector of any parish under the said recited act, and as if the names contained in all such several lists had been contained in any one list made out and delivered by such high constable or collector under the said act.

Where there are not twenty-five persons paying county cess, exceeding twenty shillings per annum each, in any parish, lists shall be made of the twenty-five paying the highest amount.

III. And be it further enacted, that if and whenever it shall happen that in the whole of any parish there shall not be twenty-five persons who shall have been charged with and shall have paid any county cess charges or grand jury rates, to an amount exceeding twenty shillings, for and in respect of any lands (not being tithe free) within such parish, within the year next preceding the time when any application shall be made for carrying the said recited act into execution in such parish, then and in every such case it shall be lawful for the high constable or other collector of any county cess charges or grand jury rates within any such parish, in cases where the whole of such parish shall be situate within the same county or barony, and such high constable or collector is hereby required to prepare and deliver to the churchwardens or churchwarden of such parish a list, containing the names and residences of such twenty-five persons as shall have been charged with and shall have paid the highest amount of such rates within such parish ; and if any such parish shall be situate in two or more counties or baronies, or partly in a county and partly in a county of a city, county of a town or town corporate, then and in such case each of the

several high constables or collectors within the several parts of such parish respectively shall prepare and deliver a list of such twenty-five persons as shall have been charged with and paid the highest amount of such rates in such parts of such parish respectively, or if there shall not be twenty-five persons charged with and paying such rates in any such part of any parish, then a list of the names of all persons paying such rates in such parts of any parish; and the churchwarden or churchwardens of such parish shall from such several lists extract the names of the twenty-five persons who shall have been charged with and shall have paid the highest amount of rates within the whole of such parish, and shall make out a list of such twenty-five persons, in such form and manner as by the said act any list is required to be made out and delivered by the high constable or collector of any parish under the said recited act or this act.

IV. And be it further enacted, that such lists as are required or permitted by this act shall be made out, and the names therein shall be arranged in such manner as by the said recited act is directed with respect to the names contained in any list required by the said recited act, and the titles of such lists shall be varied as the case may require; and copies of such lists, or of the first twenty-five names in any such lists, as the case may require, shall be affixed in manner directed by the said act with respect to lists made and delivered under the said act; and all such lists and copies, and the persons required to make the same, shall, in all respects, and to all intents and purposes whatsoever, be subject and liable to all such rules, regulations, directions, penalties and forfeitures, as are contained in the said recited act with respect to the lists required by the said recited act, except only so far as the same are expressly altered by this act; and any person who shall think himself or herself aggrieved by the omission or insertion of any name, or by the sum annexed to any name, or by any other error in any such list, shall have and be entitled to such appeal or remedy as is granted by the said recited act with respect to the lists required by the said recited act; and the persons whose names shall appear in such lists when amended or confirmed on such appeal, or when there shall not be any appeal, shall be admitted and entitled to attend and to vote at any special vestry to be holden for carrying into execution the purposes of the said act or this act, in like manner, to all intents and purposes, as persons admitted or entitled to attend or vote under the regulations of the said recited act and this act.

V. And be it further enacted, that every churchwarden to whom any list or lists is or are by the said recited act, or by this present act required to be delivered, shall, on receipt of any and every such list, make and sign a memorandum at the foot of any and every such list respectively of the time of the receipt thereof by such churchwarden; and where more than one such list shall be delivered to any churchwarden, the copy of the list which shall be made up by such churchwarden from such several lists, according to the directions of this act, shall be affixed on the church door, or elsewhere, according to the directions of the said recited act, upon the *Sunday* next after the expiration of three days from the receipt by such

Such lists equivalent to lists required by 4 G. 4, c. 99, secs. 3, 4, 7, and the persons named shall be entitled to vote at vestries.

Churchwardens to note receipt of such lists.

Lists to be affixed on the Sunday next after three days from the receipt of the last list.

churchwarden of the last of such several lists delivered under the directions of this act.

High constable or collector making false lists.

VI. And be it further enacted, that if any high constable or collector, who by the said recited act or this act is required to make out and deliver any such list as is required by the said recited act or this act, shall wilfully insert in any such list the name of any person which ought not to be inserted in such list, or shall wilfully omit from any such list the name of any person which ought to be inserted in such list, or shall mis-state the amount of county cess charges or grand jury rates payable by any person whose name shall be inserted in any such list, or if such constable or collector, or any other person or persons, shall in any way wilfully make any false return, entry or statement in any such list, every person so offending shall for every such offence forfeit the sum of twenty pounds, to be recovered in a summary way before two or more justices of the peace, and to be applied in the same manner as any penalty of the like amount may be applied under the said recited act.

Penalty £20.

Lists not vitiated, nor high constables, &c. liable to penalty for omission of number of acres held or charged.

VII. Provided always, and be it enacted, that no list returned by any high constable or collector, or prepared or affixed by any churchwarden, under the directions of the said recited act or this act, shall be vitiated or invalidated; nor shall any high constable, or collector or churchwarden, be liable to any penalty under the said recited act or this act, by reason that any such list shall not contain an account of the quantity of land or the number of acres held by each or any person specified in any such list, or for which any such person shall be charged; any thing in the said recited act or in this act to the contrary thereof notwithstanding.

Persons ejected for nonpayment of rent may be struck out of lists of those rated to grand jury cess.

VIII. And be it further enacted, that in case it shall happen that any person whose name shall be inserted in any list or copy of any list of persons charged with and having paid county cess charges or grand jury rates, under the provisions and for the purposes of the said recited act or this act, shall, at the time of the affixing such list or copy, be ejected from the premises on account of which such person shall be so charged for nonpayment of the rent of such premises, it shall be lawful for any two justices of the peace in and for the county or place in which the parish shall be situate to which such list shall relate, upon the production of satisfactory evidence on oath of the judgment in ejectment against such person, to direct, by an order under their hands to the churchwardens of such parish, that the name of such person so ejected shall be removed from such list or copy, and that the name of such other person as shall be entitled to be inserted in such list next after the name of the last person entered on any such list, shall be inserted in the room of the name of the person so ejected, and the name of the person so ejected shall be removed from such list or copy, and the name of such other person shall be added to such list or copy accordingly.

Persons not rated when vestry is held, shall not attend or vote.

IX. And be it further enacted, that in case it shall happen that any person whose name shall be inserted in any such list or copy as aforesaid, shall not, at the time of holding any vestry in any parish for the purposes of the said recited act or of this act, be rated to county cess charges or grand jury rates in such parish, it shall not be lawful for such person to be present or vote at any such vestry.

X. Provided always, and be it enacted, that it shall and may be lawful for any and every person who is or shall be a justice of the peace, and who is or shall be qualified to act as such out of or in respect of lands situate in any such parish, under an act made in the fifty-ninth year of the reign of his late majesty king *George* the third, for amending the laws for making, repairing, and improving the roads and other public works in *Ireland*, by grand jury presentments, and that it shall and may be lawful for any and every person who shall be seized of a freehold estate situate within such parish, of the value of fifty pounds and upwards, not arising from a rent charge, and duly registered as such under any act or acts in force relating to the election of members of parliament in *Ireland*, and of which registry such person shall produce a certificate, signed by the clerk of the peace, and each and every such justice of peace and freeholder is and are hereby authorized and empowered to attend and vote at any vestry to be holden for carrying into execution the purposes of the said recited act and this act in such parish; and all such persons shall have one vote, and no more, at such vestry; and if any person shall attend and vote, or shall claim or offer to attend and vote at such vestry as such justice of the peace or freeholder, not being qualified so to do, every such person shall for every such offence forfeit the sum of one hundred pounds, to be recovered and applied in such manner as any penalty of the like amount may be recovered and applied under the said recited act.

Justices of peace qualified in the parish as required by grand jury act 59 G. 3, c. 84, and freeholders of £50 per annum in the parish, allowed to attend and vote at vestry.

Voting not being qualified.

Penalty £100

XI. And be it further enacted, that if any person, not being authorized or qualified under the provisions of the said recited act or this act to attend at any special vestry to be holden in any parish for carrying into execution any of the purposes of the said act or this act, shall intrude into or shall disturb or interrupt the proceedings of any such vestry, or shall attempt so to do, or shall insist on or proceed in so doing, every person so offending shall for every such offence forfeit the sum of twenty pounds, to be recovered in a summary way before two or more justices of the peace, and to be applied in such and the like manner as any penalty of the like amount may be applied under the directions of the said recited act.

Interrupting proceedings of vestry.

Penalty £20.

XII. And be it further enacted, that whenever at any meeting of any special vestry, duly assembled in any parish, at any time after the passing of this act, for the purposes of the said recited act, it shall have been agreed between the parishioners and the incumbent or other person entitled to tithes, that the said act shall be carried into execution, and a memorandum of such agreement shall have been reduced into writing, and signed in manner required by the said recited act, and such vestry shall not within three weeks from the date of such agreement have effectually elected, nominated and appointed a commissioner for carrying into execution the purposes of the said act, on behalf of the owners and occupiers of land in such parish; or whenever it shall happen that the incumbent, or any other person entitled to tithes in such parish, shall have neglected to appoint a commissioner on his or their part, in manner required by the said recited act, within seven days next after the appointment of a commissioner on behalf of the owners or occupiers of land in such parish; or whenever it shall happen that any

When it is agreed at vestry to proceed as by 4 G. 4, c. 99, and vestry shall not appoint a commissioner within three weeks;

or if incumbent does not appoint within seven days after;

or if appointment, in case of death or refusal to act, &c. shall not be made within three weeks;

Lord lieutenant may appoint a commissioner.

His qualification.

Oath.

With like powers as other commissioners.

4 G. 4, c. 99, s. 27.

4 G. 4, c. 99, s. 27, respecting the amount of such composition, repealed.

commissioner, appointed in pursuance of the said recited act, either on the behalf of any owners or occupiers of land, or on behalf of any incumbent or other person entitled to tithes, shall have died or refused to act, or shall not have acted in the execution of the said act, within twenty-one days after his appointment, and no other commissioner shall have been appointed within three weeks next after the decease, or next after the refusal or neglect of any such commissioner; then and in every or any such case it shall and may be lawful for the lord lieutenant, or other chief governor or governors of *Ireland*, at any time or times, and from time to time, as to him and them may seem fitting and expedient, to appoint some person to be a commissioner for the purposes of this act, on behalf of the owners or occupiers of land, or on behalf of the incumbent or other person or persons entitled to tithes, as the case may require: provided always, that such person so to be appointed shall be qualified in respect of property to such amount and in such manner as by the said act is directed with respect to any commissioner to be appointed under the said act; and that such person shall not be owner or proprietor of any tithes, nor owner or occupier of any lands subject to the payment of any tithes or composition for tithes, in the parish with relation to which such person shall be so appointed to be a commissioner; and every person so appointed to be such commissioner shall take and subscribe such oath for the performance of his duty as such commissioner, and also such oath of qualification in respect of property, as are required to be taken and subscribed by any commissioner appointed under or by virtue of the said recited act; and every person so appointed to be commissioner by the lord lieutenant, or other chief governor or governors of *Ireland*, under this act, shall have all such powers and authorities, and shall proceed in carrying into execution the purposes of the said recited act and this act, in like manner to all intents and purposes as any commissioner appointed under the authority of the said recited act.

XIII. And whereas it is by the said recited act among other things enacted, that if the incumbent and the impropiator, or other person or persons, or body corporate, entitled to any tithes or portion of tithes in any parish, shall agree to receive any fixed annual sum or sums as the amount of any composition for tithes, and shall have obtained the consent of the bishop of the diocese and of the patron of the benefice to such agreement, to be signified in writing and signed by such bishop and patron respectively, and such agreement shall be signified, made, assented to and accepted at a vestry of such parish, in manner required by the said recited act, such agreement shall be binding and conclusive upon any commissioners or umpire appointed under the said recited act, subject to a proviso in the said recited act contained; and it is expedient that such agreement should be binding and conclusive upon such commissioners or umpire, without reference to such proviso; be it therefore enacted, that so much of the said recited act shall be repealed, whereby it is provided, that if it shall appear to such commissioners or umpire that the amount of the composition specified in such agreement (if made payable to any incumbent or other person having an estate less than fee simple in such tithes, or any portion thereof)

shall be below the average amount of the sums actually paid during such seven years, as in the said act mentioned, in respect of the tithes for which such composition shall be so agreed to be received, such commissioners or umpire shall state and certify their opinion to that effect; and in such case such commissioners or umpire shall insert in their certificate of the amount of such composition, a sum equal to such average amount of the sums paid during such seven years, and such sum shall be stated as and for the amount of the composition ascertained and certified by such commissioners or umpire; and the said proviso in the said recited act is hereby repealed accordingly, so far as relates to any such agreement which shall be made as aforesaid, and which shall be assented to by the bishop or patron at any time after the passing of this act.

XIV. And be it further enacted, that whenever at any special vestry duly assembled in any parish for the purposes of the said recited act, it shall be agreed between the vestry and the incumbent of such parish (being entitled to the receipt of tithes, or any portion of tithes in such parish) to proceed in carrying into execution the purposes of the said act, and commissioners shall be duly appointed on behalf of such incumbent, and on behalf of the owners and occupiers of land in such parish, pursuant to the directions of the said act, it shall and may be lawful for such incumbent entitled to any tithes, or portion of tithes, in any such parish, or to the whole of the tithes arising, growing, or payable in any separate and distinct portion, division, or district of such parish, with the assent of the bishop of the diocese and of the patron of the benefice, to be signified in writing and signed by such bishop and patron respectively, to make a separate and distinct agreement to receive any fixed annual sum or sums as the amount of the composition to be paid for such separate and respective portion or portions of tithes as shall be payable to him in such parish, or for the whole of the tithes payable in any separate and distinct portion, district, or division of such parish, to such incumbent, although no like agreement shall be made by all or any other persons or person entitled to any other such portion or portions of tithes in such parish; and every such agreement in relation to any portion of tithes, or to the tithes of any portion of such parish, shall be made and carried into effect in like manner to all intents and purposes, and shall be subject to all such and the like regulations, as any agreement for the payment of any fixed annual sum for the amount of the composition for all tithes in any parish is by the said recited act directed to be made and carried into effect; and the sum or sums so agreed upon as a composition or compositions to be paid to such incumbent for any such portion of tithes, or for the tithes of any portion of any parish, shall be inserted by the commissioners or umpire under the said act in a separate and distinct certificate, applying only to such portion of tithes, or to the tithes of any portion of any parish, the composition for which shall be so agreed for, and such sum or sums shall be assessed and apportioned accordingly, as in case of any composition made under the said recited act; and the composition for any remaining portion or portions of tithes in such parish, or for the tithes of any remaining portion or portions of such parish, shall be ascertained, settled and

When incumbent and vestry shall agree to proceed under 4 G. 4, c. 99, s. 16, 44, such incumbent may agree, with consent of bishop and patron, to take a fixed sum for a composition for his portion, although no such agreement be made by other owners of tithe.

Compositions for remaining portions.

certified by such commissioners or umpire, either in pursuance of any agreement or otherwise, in such manner as is directed by the said recited act or this act ; and such commissioners or umpire shall, in each and every such case, frame their certificate or certificates according to the nature of the several and respective cases, in conformity with the schedule annexed to the said recited act, and to the directions and provisions contained in this act.

Where persons are entitled to the whole tithes arising in any portion of any parish, the applotment of the composition under 4 G. 4, c. 99, s. 16, 44, shall be made on the lands within such portion of such parish.

XV. And be it further enacted, that if and when it shall happen that any person or persons, or body or bodies politic or corporate or collegiate, shall be entitled to the whole of the tithes arising, growing or payable in any portion, division or district, or in separate and distinct portions, divisions or districts of any parish, then and in every such case the commissioners or umpire by whom any certificate shall be made or given under the said recited act or this act, shall in such certificate set out and specify out of what portion, division or district of the parish any such tithes are payable, and to whom any such composition shall be due and payable ; and such commissioners or umpire shall assess and applot the full amount of such composition payable for any such portion, division or district of any parish, separately and distinctly, upon all lands not being tithe free, within the separate and distinct portion or portions, division or divisions, or district or districts of such parish in respect of which such composition shall be payable, in like manner in all respects, and to all intents and purposes, as by the said recited act is directed or required with respect to the assessment and applotment of the whole of any composition upon all the lands within any parish.

Two or more persons entitled to several portions of tithes may unite in appointing one collector of the composition for such several portions.

XVI. And be it further enacted, that whenever any two or more persons shall be severally entitled to several portions of tithes in any parish, and to any share or proportion of any composition for such tithes, ascertained and certified by any commissioners or umpire, and leviable under the said recited act, then and in any such case it shall and may be lawful for all such persons, or any two or more of them, to unite in the appointment of one collector of all or any of such portions ; and it shall be lawful for any collector so appointed, and he is hereby authorized and empowered to collect and levy all or any of such several portions, in such manner, and with such powers and authorities in all respects as are given by the said recited act to any collector of any composition for tithes, or any part thereof, and as if any one person only had been entitled to the whole of such several portions of such tithes, or of the composition in lieu thereof, which such collector shall be so appointed to collect.

Composition shall take effect from 1st May, or 1st November, after signing certificate by commissioners.

XVII. And be it further enacted, that in all cases where any certificate shall have been or shall be made and signed by any commissioners or umpire, according to the directions of the said recited act or this act, such certificate shall bear date and take effect from the day on which it shall have been or shall be so made and signed ; and that in all cases where such certificate shall have been or shall be made and signed on any day between the first day of *November* in any year, and the first day of *May* in the subsequent year, the composition specified in such certificate shall take effect from the first day of *May* next after the making and signing of such certifi-

cate, and the first half yearly payment of such composition shall become due to the person or persons entitled to such composition upon the first day of *November* next ensuing the date of such certificate; and that in all cases where any such certificate shall have been or shall be made and signed on any day between the first day of *May* and the first day of *November* in any year, the composition specified in such certificate shall take effect from the first day of *November* next ensuing the date of such certificate, and the first half-yearly payment of such composition shall become due to the person or persons entitled to such composition upon the first day of *May* next ensuing the date of such certificate; any thing in the said recited act to the contrary in anywise notwithstanding.

XVIII. And be it further enacted, that in all cases in which it shall have happened or shall happen that any such certificate shall have been or shall be made and signed at any time between the first day of *November* in any year and the first day of *May* in the succeeding year, the applotment and assessment of the composition specified in such certificate shall be made before the expiration of four calendar months next after such first day of *May*, in like manner in all respects as in and by the said recited act is required with respect to any assessment or applotment by the said act directed to be made before the expiration of four calendar months after the first day of *November* next after the making and signing of any certificate; and in such case all other matters and things relating to any such certificate, and to the assessment and applotment of any composition, shall be done and shall take place with reference to such first day of *May*, in like manner as in and by the said recited act all such matters and things are required to be done and to take place with reference to the first day of *November* next after the making and signing of any such certificate: provided always, that any such applotment and assessment as is required by the said recited act and this act may be made at any time after the making and signing such certificate, and before the expiration of the four months next after any such first day of *November* or first day of *May* respectively.

XIX. And whereas it is by the said recited act among other things provided, that in case the assessment and applotment of any composition for tithes made under the said recited act shall not be made in any parish within such four calendar months as in the said act is mentioned, such composition may be collected and levied according to the last applotment or assessment made in such parish for the levying of any parish cess raised in such parish, be it enacted, that whenever an assessment and applotment of any such composition for tithes shall not be made in such parish within the space of four calendar months required by the said recited act or this act, and it shall happen that no parish cess shall have been raised and levied in such parish in the year next preceding the time when such assessment or applotment ought to have been made, then and in such case, and until such assessment and applotment of such composition for tithes shall be made in such parish, it shall and may be lawful for any person or persons appointed to collect such composition for tithes, or any portion thereof respectively, to collect and

Where certificate is signed between 1st November and 1st May, applotment of composition shall take place before end of four months after 1st May, &c.

Where no applotment of composition for tithes within four months, and no parish cess has been levied within the preceding year, such composition may be levied according to the grand jury rates in such parish.

levy the same according to the last applotment or assessment made in such parish for the levying of any county cess charges or grand jury rates, or rates or assessments made under or by virtue of the presentments of grand juries, and levied within such parish during such year; and every collector of such grand jury rates shall, whenever thereto required by or on behalf of the incumbent or other person or persons entitled to such composition, or any portion thereof, deliver to or for the use of such incumbent or other person or persons a true copy of the last applotment or assessment made and in force in such parish in respect of such rates payable therein; and the several persons liable to the payment of any such applotment or assessment shall be liable to the payment of the full amount of the half-yearly payments of such composition for tithes, and the full amount of every such half-yearly payment shall be levied on all such persons respectively, in proportion to the amount of the several assessments made on them in respect of such rates; and it shall be lawful for every collector of such composition for tithes, or any portion thereof, and every such collector is hereby respectively authorized and required to collect and levy such composition, and the several parts and proportions thereof, payable by any such persons liable to the payment of such grand jury rates, with the like powers and authorities, and in like manner, to all intents and purposes, as if an assessment of such composition for tithes had been duly made by such commissioners or umpire as aforesaid.

Collector refusing copy of assessment of parish rate or county cess, within seven days after demand.

Penalty £10.

XX. And be it further enacted, that in case any collector of any parish cess or of any grand jury rates shall, by the space of seven days next after he shall be thereto required, wilfully neglect or omit or refuse to deliver to or for the use of such incumbent, or other person or persons as aforesaid, a true copy, signed by such collector, of the last applotment or assessment in the possession or power of such collector, made and in force in such parish, or any part of such parish, in respect of the parish cess or grand jury cess payable therein, according to the true intent and meaning of the said recited act and this act, every such collector so offending shall for every such offence forfeit the sum of ten pounds, to be recovered and applied in like manner as any penalty of the like amount may be recovered and applied under the said recited act.

Duplicates of applotments of compositions shall, within three days, be lodged in the registry of the diocese.

XXI. And for the security and benefit of persons interested in the assessments and applotments of any composition for tithes; be it enacted, that a duplicate of every such assessment and applotment of such composition shall be made and signed by the commissioners or umpire by whom such assessment and applotment shall be made under the provisions of the said recited act; and every such duplicate shall, by such commissioners or umpire, be lodged in the registry of the diocese in which the parish or place to which such assessment and applotment shall be situate, within three days next after the making and signing of every such assessment or applotment, there to remain as of record; and true and certified copies of such assessment or applotment, or of so much and such parts thereof as shall be material and necessary to be given or read in evidence, shall be legal and sufficient evidence in all courts and places of the contents of such assessment and applotment, as

fully as the original writing or writings, whereof the same purport to be a copy or copies respectively, could be evidence thereof.

XXII. And be it further enacted, that in the assessment and applotment of any composition for tithes under the powers of the said recited act or this act, no public road or highway, nor any canal or inland navigation, nor any waste or uncultivated land on the sides of any such road, highway, canal or inland navigation, shall be or ought to be assessed or charged to the raising of any part of the sum or sums to be raised by such assessment or applotment; and that if any assessment or applotment hath been made at any time before the passing of this act, whereby any such road, highway, canal or navigation, or any such waste or uncultivated land, hath been assessed or charged to any such composition, such assessment and applotment shall, as to such road, highway, canal or navigation, and waste or uncultivated land, cease and determine, and be no longer paid or payable; any such assessment or applotment to the contrary in anywise notwithstanding.

Roads, and canals and waste lands on the sides of them, declared not liable to assessment for composition for tithes.

XXIII. And whereas provision is made in the said recited act for increasing or diminishing the amount of compositions for tithes in the third year, and in every succeeding third year after the commencement of any such composition, according to the average price of corn during the three years next immediately preceding; and it is expedient that the said provision should be amended; be it therefore enacted, that in all cases in which at any time after the passing of this act it shall be agreed between the parishioners and the ecclesiastical incumbent of such parish, or other person or persons entitled to tithes, to carry into execution the purposes of the said recited act, and a memorandum of such agreement, or some minute or entry of the same, shall be reduced into writing, and signed in manner required by the said recited act, any composition for tithes which shall be made in consequence of such agreement shall not be subject to be increased or diminished, except in the seventh year and in the fourteenth year next after the day from which such composition shall commence; and that in such case such increase or diminution shall be made only with reference to the average price of corn as advertized in the *Dublin Gazette* during the seven years immediately preceding; and that such increase or diminution shall be applied for and effected in all respects in the same manner as is prescribed in the said recited act, save and except so far as relates to the year in which such increase or diminution may take place, and to the average price of corn upon which such increase or diminution shall be calculated, according to the directions of this act.

4 G. 4, c. 99, s. 43.

Instead of variation every three years under 4 G. 4, c. 99, s. 43, future compositions shall be liable to variation only in the seventh and fourteenth years.

XXIV. And be it further enacted, that whenever any composition for tithes in any parish shall be increased or diminished at the end of any third year, under the provisions of the said recited act, or at the end of every seventh year or any fourteenth year, under the provisions of this act, reference shall not be had to the price of corn within the county in which such parish shall be situate, but reference shall be had only to the price of corn as advertized in the *Dublin Gazette*; any thing in the said recited act to the contrary notwithstanding.

Price of corn in all cases to be ascertained by *Dublin Gazette*.

On certificate of composition being laid before vestry under 4 G. 4, c. 99, s. 27, vestry may agree to accept it, and may also agree that it shall continue for twenty-one years without variation according to price of corn.

If such agreement is assented to by the incumbent, impropriator, &c. and recorded in the registry, the composition shall continue unvaried for the whole of the twenty-one years, whatever the price of corn may be.

XXV. Provided always, and be it enacted, that whenever any certificate shall be made and signed at any time after the passing of this act by any commissioners or umpire under the provisions of the said recited act and this act, or either of them, for fixing or ascertaining the amount of any composition for any tithes in any parish, and a special vestry shall be holden according to the directions of the said recited act, for the purpose of taking such certificate into consideration, it shall and may be lawful for such vestry to signify their assent to the payment of such composition on behalf of the owners and occupiers of land in such parish, and also to signify their consent on behalf of such owners and occupiers of land, that such composition shall be invariable for the term of twenty-one years from the first day of *November* or the first day of *May* next ensuing the date of such certificate; and that such composition shall continue to be levied for such term of twenty-one years, and shall not be subject to any variation in the amount thereof during such period of twenty-one years, under the provisions of the said recited act or this act, whatever the price of corn may be; and such assent shall be signified by the signature of the chairman of such vestry, and of three other persons at least entitled to vote, and being present at such special vestry, at the foot of the copy of such certificate, which shall have been transmitted to the churchwardens of such parish according to the directions of the said recited act, by the commissioners or umpire by whom such certificate shall have been made and signed; and it shall be lawful for the chairman of such vestry, or for any churchwarden of such parish, to deliver or transmit such certificate so signed to the incumbent of such parish, and to the impropriator, or other person or persons (if any) entitled to any tithes or portion of tithes in such parish; and it shall be lawful for the incumbent of such parish (being entitled to any tithes or portion of tithes in such parish), and for the impropriator of any tithes or portion of tithes in such parish, and for every other person or persons, or body corporate or collegiate, or corporation aggregate or sole, entitled to any tithes or portion of tithes in such parish, to assent to and agree with the resolution of such vestry, and to signify such assent upon the copy of such certificate so signed by the chairman and vestrymen of the said parish, when such certificate shall be produced to them or any of them for that purpose, by any of the parties interested in the same; and such copy, when so assented and agreed to by the said parties, shall and may be delivered by some or one or any of the parties interested therein, to the commissioner or umpire by whom such certificate was originally made and signed, and shall by such commissioner or umpire be transmitted to the registrar of the bishop, to be entered and recorded in the registry of the diocese, and shall be so entered and recorded accordingly; and in every such case, such composition shall be and remain in full force and effect for the whole space of twenty-one years, and shall not be subject to any variation in the amount thereof, under the provisions of the said recited act or this act, during such period of twenty-one years, whatever the price of corn may be; any thing in the said recited act or this act to the contrary thereof in anywise notwithstanding.

XXVI. Provided also, and be it enacted, that in all cases in which a composition for the tithes of any parish shall have been ascertained and fixed, and a certificate thereof made and signed at any time previous to the passing of this act, it shall be lawful for any incumbent, or other person, or body corporate entitled to tithes in such parish, or any three of the members of the special vestry who shall have signified the approbation of such composition by such vestry, in manner required by the said recited act, at any time within one year after the date of such certificate, to require the churchwardens of such parish to cause a special vestry of persons duly qualified pursuant to the said recited act and this act, to be called by public notice in the manner required by the said recited act or this act, and to be holden on some day named in such notice, not being less than fourteen days nor more than three weeks distant from the date of such notice, for the purpose of determining whether such composition shall not be increased or diminished, until after the first day of *May* in the seventh year and in the fourteenth year from the commencement of such composition, or whether the amount of such composition shall be invariable for the term of twenty-one years from the commencement thereof; and it shall and may be lawful for such vestry to signify their assent on behalf of the owners and occupiers of land in such parish, that such composition shall not be increased or diminished until after the first day of *May* in the seventh year and in the fourteenth year from the commencement of such composition, or that the amount of such composition shall be invariable for the term of twenty-one years from the commencement thereof; and that such composition shall continue to be levied for such term of twenty-one years, and shall not be subject to any variation in the amount thereof during such period of twenty-one years, under the provisions of the said recited act or this act, whatever the price of corn may be; and such assent shall be signified by a copy of the resolution of such vestry, signed by the chairman of such vestry, and by three other persons at least, entitled to vote, and being present at such special vestry; and it shall be lawful for the chairman of such vestry, or for any churchwarden of such parish, to deliver or transmit such copy of such resolution, so signed as aforesaid, to the incumbent of such parish, and to the impropriator or other person or persons (if any) entitled to any tithes or portion of tithes in such parish; and it shall be lawful for the incumbent of such parish, (being entitled to any tithes or portion of tithes in such parish), and for the impropriator of any tithes or portion of tithes in such parish, and for every other person or persons, or body corporate or collegiate, or corporation aggregate or sole, entitled to any tithes or portion of tithes in such parish, to assent to and agree with the resolution of such vestry, and to signify such assent upon the copy of such resolution so signed by the chairman and vestrymen of the said parish, when such resolution shall be produced to them or any of them for that purpose, by any of the parties interested in the same; and such copy, when so assented and agreed to by the said parties, shall and may, by some one or any of the parties interested therein, be delivered or transmitted to the registrar of the bishop, to be entered and recorded in the registry of the diocese,

Compositions made before the passing of this act may be varied at the end of seven years or fourteen years, or continued for twenty-one years.

Vestry may signify their assent.

Such composition to continue whatever the price of corn may be.

Copy of such resolution transmitted to incumbent.

Persons entitled to tithes may assent to such resolution of vestry,

and transmit to registrar of the bishop,

and there-
upon compo-
sition not
varied, what-
ever the price
of corn may
be.

How notice
of vestries
given where
there is not
any church.

Six days al-
lowed for no-
tice of vestry
to consider
certificate,
instead of
three days,
under 4 G. 4,
c. 99, s. 28.

Proviso for
acts required
to be done by
bishops,
archbishop,
or lord lieu-
tenant, while
the see is
vacant.

4 G. 4, c. 99,
to remain in
force as

and shall be so entered and recorded accordingly: and in every such case such composition shall be variable only at the end of such term of seven years or fourteen years, or shall remain in full force and effect for the whole space of twenty-one years, as may be agreed on at such vestry; and in such last-mentioned case such composition shall not be subject to any variation in the amount thereof, under the provisions of the said recited act or this act, during such period of twenty-one years, whatever the price of corn may be; any thing in the said recited act or this act to the contrary thereof in anywise notwithstanding.

XXVII. And be it further enacted, that in all cases where notice of any vestry or adjournment of any vestry is required to be given in pursuance of the said recited act or of this present act, and it shall happen that there shall not be any church in the parish wherein such vestry is to be held, or that there shall not be any church in such parish fit for the celebration of divine service, the notice of holding or adjourning every such vestry shall and may be given by posting up such notice on some other place of public worship, and by delivering three true copies of such notice to one resident magistrate within the said parish, or to any three principal householders of the said parish paying grand jury cess within such parish; and that every notice so given shall be good and sufficient notice of the holding every such vestry, to all intents and purposes in law, as if such notice had been given in the parish church.

XXVIII. And be it further enacted, that notices required by the said act of the last session of parliament for the establishing of compositions for tithes, to be given by churchwardens for holding special vestries in parishes, pursuant to the said recited act, after the copy of any certificate of composition for tithes shall be received by such churchwardens, may be given at any time within six days next after the copy of any such certificate shall have been received by such churchwardens; and such notice, so given within such six days, shall be sufficient and valid to all intents and purposes as if such notice had been given within three days next after the receipt of any such copy, in manner required and directed by the said recited act.

XXIX. And be it further enacted, that in all cases where any notice is required to be given, or any objection to be submitted to any bishop or archbishop, or any act or instrument is required or authorized to be done or executed by any bishop or archbishop, under the provisions of the said recited act or this act, it shall and may be lawful for the archbishop of the province, in case of the vacancy of any bishopric, and for the lord lieutenant or other chief governor or governors of *Ireland*, in case of the vacancy of any archbishopric, to receive such notices and objections, and to do and execute all such acts and instruments as should or could have been done or executed by any such bishop or archbishop, in case such bishopric, or archbishopric were not then vacant, as fully to all intents and purposes, as if all such matters and things were done or executed by such bishop or archbishop authorized or required to do or execute the same.

XXX. And be it further enacted, that the said recited act of the last session of parliament, for the establishing of compositions for

tithes in *Ireland*, shall continue in force and effect, except only so far as the same or any part thereof is expressly repealed or altered by this present act; and that the said recited act and this act shall be construed together as one act, to all intents and purposes whatsoever.

amended by
this act, &c.

7 & 8 GEORGE 4, CAP. 60.—*An act to amend the acts for the establishing of compositions for tithes in Ireland.*—Whereas an act was passed in the fourth year of the reign of his present majesty, intituled *an act to provide for the establishing of compositions for tithes in Ireland for a limited time*, and which was amended by an act passed in the

4 G. 4, c. 99,
amended by
5 G. 4, c. 63.

fifth year of the reign of his present majesty; and the said acts required* to be further amended in certain particulars; and whereas

* Sic.

by the said first recited act it is among other things enacted, that it shall be lawful for any person aggrieved by or dissatisfied with the rate or sum at which any land shall be assessed in any assessment or applotment in any parish under the said act, as compared with the rate or amount payable in respect of any other land in the same parish under such assessment or applotment, to appeal to the justices of the peace at the general quarter sessions of the peace in manner in the said act mentioned; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every such appeal shall be made to the justices of the peace at their general or quarter sessions of the peace for the county or place in which such parish shall be situate, or any adjournment thereof, to be holden next after the completion of such applotment, if there be sufficient time to give such notice as is required by the said act in cases of such appeal; and for want of sufficient time for giving such notice previous to the quarter sessions next after the completion of such applotment, then such appeal (after such notice and under such recognizance as in and by the said act are required) may be made at the second general or quarter sessions of the peace to be holden for such county or place next after the completion of such applotment; and such appeal against such assessment or applotment shall not be made at any other subsequent sessions; anything in the said recited acts to the contrary notwithstanding.

Appeals
against as-
sessments or
applotments
shall be made
to the next
quarter ses-
sions after
the applot-
ment, if time
for notice;
or otherwise
to the second
quarter ses-
sions.

II. And whereas by the said recited act of the fourth year of his present majesty's reign it is among other things provided and enacted, that an appeal may be made to the lord lieutenant or other chief governor or governors of *Ireland* in council, against the certificate of any commissioners or umpire under the said recited act; and that it shall be lawful for such lord lieutenant or other chief governor or governors of *Ireland*, by and with the advice and consent of his majesty's privy council in *Ireland*, to hear and determine such appeal in the cases and in manner in the said act mentioned: and whereas such appeals do often involve the rights or title of parties to the possession or occupation of lands and tenements, and doubts have arisen whether the decision of the lord lieutenant in council on such appeal is not to all intents and purposes conclusive as to such rights or title; be it therefore enacted, that in every case of appeal in which the rights or title of any party to the possession

On appeal to
privy coun-
cil, they may

decide on right of property, so far as relates to the tithe composition for twenty-one years, or direct an issue for ascertaining the title.

On decision of any appeal, the privy council may direct the payment of costs.

Roads, &c. assessed before the passing of act shall continue so until a new assessment shall be made under this act.

Where roads, &c. have been assessed,

or occupation of any lands or tenements shall be involved, it shall be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, by and with the advice of his majesty's privy council in *Ireland*, to decide and determine upon such appeal, and to ascertain and determine the rights or title of any such party, so far only as may relate to the payment of any composition for tithes for the term of twenty-one years under the said recited acts, or until such right of property shall be determined by any competent tribunal or court of justice, but not any further, nor to any other purpose; or it shall be lawful for such lord lieutenant or other chief governor or governors, by and with the advice of his majesty's privy council, to direct an issue to be tried in any one of his majesty's courts of record in *Dublin*, for the ascertainment of the right or title of any such party to any lands or tenements as aforesaid.

III. And be it further enacted, that on the hearing and decision of any appeal against the certificate of any commissioners or umpire under the said recited act of the fourth year of his present majesty's reign, it shall be lawful for such lord lieutenant or other chief governor or governors of *Ireland*, with the advice of his majesty's privy council, to adjudicate and direct the payment of any costs to or by any of the parties appealing or appealed against, in such manner and to such amount as shall seem fitting and expedient to such lord lieutenant or other chief governor or governors and privy council.

IV. And whereas in and by the said recited act of the fifth year of his majesty's reign it is among other things enacted, that in the assessment and applotment of any composition for tithes no public road or highway, nor any canal or inland navigation, nor any waste or uncultivated land on the sides of any such road, highway, canal, or inland navigation, shall be assessed or charged to the raising of any part of the sum or sums to be raised by such assessment or applotment; and that if any assessment or applotment had been made at any time before the said act, whereby any such road, highway, canal, or navigation, or any such waste or uncultivated land, had been assessed or charged to any such composition, such assessment and applotment should, as to such road, highway, canal, or navigation, and waste or uncultivated land cease and determine, and be no longer paid or payable; and it is expedient that further provision should be made relating to such assessments and applotments; be it enacted, that every such assessment or applotment, which shall have been made at any time before the passing of the said recited act of the fifth year aforesaid, shall remain good, valid, and effectual; and that every road, highway, or canal, or inland navigation, and all waste or uncultivated land on the sides of any such road, highway, canal, or inland navigation, which shall have been subjected to such assessment or applotment before the passing of the said recited act of the fifth year aforesaid, shall remain and continue liable to such assessment and applotment until a new or additional assessment and applotment shall be made within such parish, pursuant to the directions hereinafter contained; any thing in the said recited act of the said fifth year to the contrary in anywise notwithstanding.

V. And be it further enacted, that in all cases where any assessment and applotment of any composition for tithes shall have been

made at any time before the passing of the said recited act of the fifth year aforesaid, whereby any such road, highway, canal, or navigation, or any such waste or uncultivated land as aforesaid, shall have been assessed or charged to any composition for tithes, it shall and may be lawful for any person or persons interested in any such road, highway, canal, or navigation, or in any other waste or uncultivated land, or for any incumbent or other person entitled to such composition, to apply to the assistant barrister at any sessions to be holden for the county in which the parish shall be situate in which such assessment and applotment shall be made, to revise such assessment and applotment, and to make a re-assessment and applotment of such composition, in manner hereinafter mentioned; and thereupon it shall be lawful for such assistant barrister to call for the book in which such assessment and applotment shall be entered, and such book shall be produced to such assistant barrister by the person or persons in whose custody the same shall be; and it shall be lawful for such assistant barrister to alter and amend the assessment and applotment contained in such book, by striking out any assessment and applotment made in respect of any such road, highway, canal, or navigation, or any such waste or uncultivated land as aforesaid, and by adding to the amount of the several assessments and applotments made in respect of the other lands within the said parish, according to their several proportions, so much as shall be sufficient to make such assessment and applotment equal to the full amount of the whole composition for tithe payable within the said parish according to the original certificate of such amount; and such book so altered and amended shall be signed by such assistant barrister with his name and the date when such alteration shall be made; and such book so altered and amended shall thenceforth be evidence of the just and true amount of composition to be paid for tithe within the said parish by the holders of any portion of land within the same.

2 WILLIAM 4, CAP. 41.—*An act to facilitate the recovery of tithes in certain cases in Ireland, and for relief of the clergy of the established church.*—Whereas a combination against the payment of tithes has for some time existed in certain parts of *Ireland*, and the ordinary remedies provided by law for the recovery thereof have been evaded and defeated; and great numbers of the clergy have been in consequence deprived of their legal maintenance, and many of them reduced to a state of great distress: and whereas it is necessary to make special enactments in order to vindicate the authority of the law, and to provide immediate relief for such of the clergy as are now suffering from the deprivation of their incomes through the unlawful combination aforesaid: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, at any time or times within one year from the passing of this act, with the advice of the privy council of *Ireland*, upon application made as hereinafter provided, to issue and advance, or cause to be issued and advanced, out of the consolidated fund of

parties interested may apply to assistant barrister at sessions, who may alter the assessment.

Authorizing the lord lieutenant to advance £60,000 for the purposes of this act.

Great Britain and Ireland, such sums of money, not exceeding in the whole the sum of sixty thousand pounds, as may be from time to time necessary, to be applied to the purposes and replaced in the manner hereinafter mentioned.

Ecclesiastical persons who have not received or recovered tithe for the year last past may apply by memorial, to the lord lieutenant, for relief under this act.

A schedule to be attached to the memorial, stating particulars.

II. And be it enacted, that it shall and may be lawful for any ecclesiastical person entitled in that character to the tithes or any portion of the tithes of any parish or union, or part of a parish or union, in *Ireland*, or to any composition or portion of a composition for such tithes, payable by virtue of any law in force in *Ireland* respecting such compositions, and who may have been prevented by the combination hereinbefore mentioned from receiving or recovering the tithes or composition, or portion thereof respectively, to which he may have been so entitled for the year last past, that is to say, for the year one thousand eight hundred and thirty-one, to make application to the said lord lieutenant or other chief governor or governors of *Ireland*, praying relief under this act, and such application shall be made by memorial stating the right in which such ecclesiastical person is entitled to such tithes or composition, and whether to the whole or any and what proportion thereof, and the amount or value thereof, according to his average annual receipts for the three years next preceding the said year last past, or as the same may have been fixed by composition or agreement, as the case may be, and the amount in arrear for the year last past, and the proceedings which he may have taken for the receiving or recovering such arrears, and by what means the same have been rendered ineffectual; and to each such memorial a schedule shall be annexed, setting out the names, descriptions, and places of abode of the several persons, occupiers of land in each parish or union, or of the representatives of such persons, if any of them be dead, by whom such arrears of tithes or composition may be due, and the amount of composition or the estimated value of the tithes so due and in arrear from each person; and the lands in respect whereof each item of such tithes or composition may be payable shall be described in such schedule by their commonly received denomination, and the barony, townland or half townland, and parish in which the same may lie; and the truth of the several matters set forth and alleged in such memorial and schedule shall be verified upon oath, to be administered by any justice of the peace in and for the county in which the memorialist usually resides, to the best of the knowledge and belief of such memorialist; and in case the tithes or any portion thereof so in arrear shall not be claimed under any composition, such memorial so to be verified as aforesaid shall further set forth, that the sums claimed as the value of such tithes are made up as accurately as in the memorialist's power or ability to do, at the different rates *per* acre or otherwise which have for the three years next preceding the said last past year been, after all just allowance and abatements, really and *bona fide* paid or secured for tithes of the like kind and quality within the said parish or union, and that there is no charge in the said schedule for any tithes or dues which have not been really and *bona fide* paid or secured by the occupiers of land within the said parish or union within the aforesaid three years, or to the effect aforesaid; and upon such application, and due consideration of the

several matters stated in such memorial and schedule so verified as aforesaid, it shall and may be lawful for the said lord lieutenant or other chief governor or governors of *Ireland*, and privy council, at their discretion, to declare the party making such application as aforesaid entitled to relief under this act, and thereupon to order that such sum of money as they may deem proper, not exceeding two thirds of the amount of the arrear of tithes or composition which accrued or become due in and for the year one thousand eight hundred and thirty-one, as in such memorial or schedule stated, shall be paid and advanced to the person making such application as aforesaid, out of the said sum of sixty thousand pounds hereinbefore authorized to be issued and advanced for the purposes of this act: provided always, that such advance so to be made as aforesaid shall not in any case exceed the sum of five hundred pounds to any individual.

III. And be it further enacted, that so soon as any ecclesiastical person making such application as aforesaid shall have been declared entitled to relief under this act in manner hereinbefore provided, the right, title, and interest of such person in and to all tithes or composition for tithes due and unpaid for the year last past, in or out of the parish or union in respect of the tithes or composition for tithes accruing whereout such application may have been made, shall wholly cease and determine, and the same shall vest in his majesty, his heirs and successors, and be recovered and enforced by the proceedings and in the manner hereinafter provided, and not otherwise: provided always, that nothing in this act contained shall in any respect affect the rights of any person receiving relief under this act to the tithes or composition for tithe for any year other than the year last past, and that such person may recover the tithes or composition for tithe, or any arrears thereof, for any preceding year, in like manner as if he had not been declared entitled to relief under this act; and provided further, that it shall be lawful for such ecclesiastical person to have and receive any surplus of the tithes or composition for tithes for the year last past which may be recovered under this act, after replacing the advances made to him, but subject and pursuant to the provisions hereinafter contained in that behalf,

When an ecclesiastical person shall be declared entitled to relief under this act, his right to tithes for the year last past to cease, and be vested in the crown;

but nothing herein to affect his right to tithes of former years.

IV. And be it further enacted, that whenever any ecclesiastical person making application under this act shall be declared to be entitled to relief thereunder, the said lord lieutenant or other chief governor or governors of *Ireland* and privy council shall issue their proclamation, to be posted on conspicuous places within the proper parish, (whereof the publication of the *Dublin Gazette* shall be sufficient evidence, as also of such declaration by the lord lieutenant and council of the said tithes or composition rents being duly vested in the crown), enjoining and requiring all persons named in the schedule annexed to such memorial respectively to pay to the collector of excise of the district wherein such persons may respectively reside the several sums in such schedule stated to be due and owing by them severally, or so much thereof as they shall respectively admit to be due and be willing to pay; and warning all such persons that in default of their rendering due obedience to the injunctions of such proclamation, within one calendar month from the date thereof, such

Upon application for relief under this act, proclamation to be issued enjoining payment.

Proceedings in case of default.

proceedings as are by this act warranted will be forthwith taken for the levy and recovery of all such sums remaining due and unpaid.

Collectors of excise shall give a receipt to parties making payment, which shall be a sufficient acquittance.

V. And be it further enacted, that the respective collectors of excise throughout *Ireland*, shall give to every party making any payment pursuant to the provisions of this act a receipt acknowledging such payment; and that such receipt shall be to the parties holding the same a full and sufficient acquittance against his majesty and all persons whatsoever for the monies therein expressed to have been received; and if for the full amount in such schedule stated, or for such amount in lieu thereof as the said attorney general shall direct such collector to receive in lieu thereof, such receipt shall be an acquittance and discharge from all tithe or composition for tithe for the said year one thousand eight hundred and thirty-one, which might be claimed by the ecclesiastical person upon whose application the proclamation aforesaid may have been issued, or by the crown in right of such person, under the provisions of this act; and such collectors shall account for and pay over all monies so received in such manner as the lord high treasurer or any three or more of the commissioners of his majesty's treasury shall direct.

In default of obedience to proclamation, an application, by petition of attorney general, to be made to court of chancery or exchequer for an order against defaulters.

VI. And be it further enacted, that upon the expiration of the time in the said proclamation limited, and in default of payment of the arrears and sums so vested in the crown in manner aforesaid, or any of them, it shall and may be lawful for his majesty's attorney general for *Ireland* to apply, by petition or petitions, either to the court of chancery or to the equity side of the court of exchequer in *Ireland*, showing the right of the ecclesiastical person upon whose application such proclamation may have been issued to the tithes or composition, or any part thereof due and in arrear, and that the same has become vested in the crown under the provisions of this act, and praying the order of such court against all or any of the persons in default for payment of such sums as may be found due by them or any of them; and to every such petition a copy of the schedule accompanying the application whereupon the proceedings aforesaid may have been taken, or of so much thereof as may relate to the persons against whom such order may be prayed by such petition, shall be annexed.

Court of chancery or exchequer to examine into the matter of the petition.

VII. And be it further enacted, that it shall and may be lawful for the said courts of chancery and exchequer respectively, upon any such petition, summarily to examine into the matter thereof, and to inquire whether any and what tithe, and the value thereof, or any and what composition for tithe, or arrears of tithe or composition for tithe, may be due for the year last past; that is to say, for the year one thousand eight hundred and thirty-one, by the person or persons, or any and every of them, against whom an order for payment thereof may be prayed, and for that purpose to call before them and examine *viva voce* any person or persons upon oath, or to ascertain the truth by interrogatories or by affidavit, and thereupon to make such order or orders as to such court shall seem just; and in case any person against whom any such order shall be prayed by petition as aforesaid shall not, by himself or herself, or some attorney or counsel, attend at the time appointed for proceeding upon such petition, the same shall, as against such person, be taken *pro con-*

fesso, and an order shall be forthwith made as against every such person for the sum in the schedule annexed to the said petition charged against such person, or for such lesser sum as the court shall award.

VIII. And be it enacted, that every person who shall be admitted to take any defence to any such petition shall, within such time as the said courts respectively shall think proper, answer such personal interrogatories as shall, by the order of such court, be exhibited to him or her on behalf of any such petitioner, touching the quantities or values of the tithes, for the said year last past, of the lands which such person, or the person or persons of whom he or she is or are the representative or representatives, held in the said year.

Interrogatories to be answered.

IX. And be it enacted, that the said courts respectively may order that all books, writings, and evidences in the custody, power, or possession of the said parties, or of any other person or persons, which may be necessary to enable the said courts to ascertain the truth of any of the matters proper to be inquired into by them under the proceedings by this act directed, shall be brought into and produced before the said courts respectively: provided always, that all such proceedings shall be summary, and that no objection to any such petition, on account of the demands thereby sought to be recovered being distinct or multifarious, nor for want of parties or want of form, shall be received; and no such petition shall abate on account of the death of any of the parties thereto; and in case of any such death the petitioner may proceed against the representatives of any person so dying, having first served them with a notice thereof; and upon its appearing to the court that such notice had been given, such court shall proceed to inquire into the matter of such petition as against the representatives of any person so dying, in the same manner as against the said person were he or she living, and the said courts respectively shall proceed thereon accordingly.

Books, &c. may be ordered into court.

Proceedings to be summary.

Petition not to abate by death of parties.

X. Provided always, and be it enacted, that at least fourteen days before any proceeding shall be taken under any such petition as aforesaid a notice thereof, expressing the name or names of the person or persons against whom any order may be thereby prayed, and the amount sought to be recovered against such person, or if there be more persons than one, against each of them severally, shall be posted on the principal door of the church of the parish or union the tithes or composition for tithes whereof may be sought to be recovered by such proceeding, if any church there be in which divine service is usually celebrated within the same, and if not, on the market house, or in some conspicuous place in any market town in or next adjoining to such parish or union; and such notice shall also be posted on any other usual and convenient place or places for posting notices within such parish or union; and in all proceedings under this act the posting such notices, or any order or matter, on such places hereinbefore mentioned, shall be deemed full and sufficient service and notice thereof to all intents and purposes and upon all persons whatsoever, unless the court shall think fit to direct any other or different notice to be given in addition to or in substitution for the same.

Notice of any proceeding to be taken on such petition shall be posted up fourteen days previously.

Order of court to have effect of a decree without enrolment.

XI. And be it further enacted, that every order of either of the said courts of chancery or exchequer respectively, made upon any petition under the provisions of this act, shall have, without enrolment, the force and effect of a decree; and that an attested copy of every such order shall be as effectual to all intents and purposes as an exemplification of a decree, or as if such order had been enrolled, and an exemplification thereof after enrolment had been made out and sealed; and every such order shall be enforced by such writ of execution or other process as might be sued or issued to enforce any final decree or order of either of the said courts.

Attorney general may apply to assistant barrister of county for tithes not exceeding £10.

XII. And be it further enacted, that it shall and may be lawful for his majesty's said attorney general, if he shall think so fit, instead of applying as afore provided to the court of chancery or exchequer, to apply by petition to the assistant barrister of the county or riding in which the person or persons may reside against whom it is sought to recover the value of any tithes or composition for tithes, or in case such person or persons shall reside within the county of *Dublin*, then to the chairman of the sessions of the peace for such county; and such petition shall be framed in like manner as hereinbefore directed in respect of petitions to the court of chancery and exchequer; and upon such petition it shall and may be lawful for the assistant barrister or chairman to whom the same may be addressed, at the general or quarter sessions for such county, summarily to examine into the matter of such petition, without any previous proceedings in any ecclesiastical court, any law or usage to the contrary notwithstanding; and such assistant barrister or chairman shall have power and authority, in like manner, and by oral examination on oath, or affidavit, or otherwise, as the said courts of chancery and exchequer respectively have been hereinbefore empowered to do, to inquire and ascertain the value of the tithes, or the amount of the arrear of tithe or composition for tithe, due and payable by each of the persons against whom the petition aforesaid may pray a decree; and upon and after such examination and inquiry the said assistant barrister or chairman shall make such decree or decrees, either against all or any of the parties against whom the same may be prayed, as to him shall seem just; and all such decrees shall and may be enforced by all such process as may be employed to enforce or carry into execution any other decree pronounced or made upon any proceeding by civil bill by any such assistant barrister or chairman, under or by virtue of any law or statute heretofore made.

Notice of intention to petition, with schedule stating particulars, to be posted up ten days before general or quarter sessions.

XIII. Provided always, and be it enacted, that at least twelve days before the commencement of the general or quarter sessions at which any petition under this act is intended to be preferred, a notice of such intention, together with a schedule setting out the names of the several persons against whom such proceeding is to be taken, and the value of the tithes or amount of the composition for tithes sought to be recovered from each of them respectively, shall be posted on the principal door of the church of the parish or union the tithes or composition for tithes whereof may be sought to be recovered by such proceeding, if any church there be in which divine service is usually celebrated within the same, and if none,

then on the market house or in some conspicuous place in any market town in or next adjoining to such parish or union ; and such notice shall also be posted on any other usual and convenient place or places for posting notices within such parish or union ; and such notice, so posted, shall be to all intents and purposes full and sufficient notice and service to and upon all persons anywise concerned of such proceeding by petition as aforesaid to such assistant barrister or chairman.

XIV. And be it further enacted, that in case any person against whom any such proceeding by petition before any assistant barrister or chairman may be adopted shall not, by himself or herself, or some attorney or counsel, attend at the hearing of such petition, the same shall and may be taken *pro confesso* as against such person, and a decree be forthwith made by such assistant barrister or chairman against such person for the full amount prayed, or for such lesser sum as shall be awarded, in like manner as has hereinbefore been provided in the case of any petition presented to the court of chancery or exchequer.

Where parties do not appear by counsel at hearing of petition, decree may be forthwith made.

XV. And be it further enacted, that all monies paid, received, or recovered under authority of this act shall be paid in such manner as the lord high treasurer or the commissioners of his majesty's treasury, or any three or more of them, shall direct, to the credit and account of the teller of his majesty's exchequer, distinctly and apart from all other monies ; and that the said lord high treasurer or commissioners of the treasury, or any three or more of them, shall cause to be kept an account of all monies from time to time advanced, pursuant to the provisions hereinbefore made, on each several application for relief made under this act, and a like account of all monies paid, received, or levied by virtue of the provisions hereinbefore contained, in satisfaction of the tithes, or composition for tithes, or arrears thereof, vested, by reason of such application having been acceded to, in the crown ; and all such monies shall be in each case applicable to replace the monies advanced by order of the said lord lieutenant or other chief governor or governors of *Ireland*, for the relief of the person making such application, out of the consolidated fund ; and the surplus, if any, after payment and satisfaction of such advances, and of all costs and charges attendant on the collection, receipt, and levy or recovery of such tithes or composition for tithes, shall, when and as the said lord high treasurer or commissioners of his majesty's treasury, or any three or more of them, shall direct, be paid over to the person in whose right, so transferred to the crown under this act, such tithes or composition for tithes may have been received or recovered.

Monies paid under act to be placed to the credit of the teller of the exchequer, and kept separate from all other monies.

Account to be kept.

XVI. And be it further enacted, that in case it shall appear upon any such trial as aforesaid, to any of the said courts of chancery, exchequer, or of the assistant barrister, that any demand or demands contained in any schedule to any such memorial as aforesaid had been previously paid or satisfied, or was unfounded or unreasonable, that then it shall be lawful for such court, if it shall think fit so to do, at its discretion, to order such sum or sums as shall appear to such court to be reasonable to be paid by the said attorney general to the party or parties so wrongfully sued, as and for and in the

Costs of respondents unjustly sued

name of costs of suit; such sum or sums to be deducted from the surplus fund to which the memorialist making such unreasonable demand would become entitled as aforesaid.

All proceedings under act exempt from stamp duties and office fees.

XVII. And be it further enacted, that, save as aforesaid, no costs shall be recoverable under this act; and that up to and previous to process of execution under this act, no stamp duty nor office fees shall be paid or chargeable upon any proceeding, order, copy, instrument, document, receipt, or other matter or thing occurring, used in, or occasioned by any proceeding under this act; any other act or acts, or any law or usage, to the contrary hereof notwithstanding.

Persons who swear falsely shall suffer for perjury.

XVIII. And be it further enacted, that if any person or persons who shall make or take any oath or affidavit, or swear to any interrogatories to be taken before any person or persons in pursuance of this act, and therein wilfully and knowingly swear or answer falsely to any matter or thing, every such person, being duly convicted thereof, shall incur and suffer such penalties, pains, and disabilities as persons convicted of wilful and corrupt perjury are liable to; or if any person or persons shall corruptly procure or suborn any other person to swear or answer falsely in any oath, affidavit, interrogatories, or other proceeding, the person or persons duly convicted of such procuring or suborning shall incur and suffer such penalties, forfeitures, pains, and disabilities as persons convicted of subornation of perjury are liable to.

2 & 3 WILLIAM 4, CAP. 119.—*An act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland; and to make such compositions permanent.*—Whereas by an act passed in the fourth year of the reign of his late majesty king George the fourth, intitled *an act to provide for the establishing of compositions for tithes in Ireland for a limited time*, which act was afterwards amended by another act passed in the fifth year of the same reign, and both which said acts were afterwards amended by an act passed in the seventh and eighth years of the same reign, provision was made for the authorizing compositions to be made for tithes in *Ireland* in those parishes wherein the parishioners qualified as in the said act mentioned, together with the ecclesiastical incumbents or other persons entitled to tithes therein, should mutually consent and agree to establish such compositions: and whereas it is expedient that a fixed and permanent composition in lieu of tithes should, with a view to the future commutation thereof, be generally established throughout that portion of the united kingdom called *Ireland*, and that for such purpose the enactments of the said recited acts should be in some respects modified, and provision made to give effect to the same in cases where they might fail of operation through the default or disagreement of the parties to whom the option of proceeding thereunder is by the said acts given: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the amount of any and every composition to be at any time after the passing of this act established in lieu of tithes or any portion of tithes in any

All future compositions shall be calculated on

parish in *Ireland* shall be calculated upon an average of all the sums paid or agreed for or adjudged to be paid on account of the tithes of the parish to which such composition shall relate during the seven successive years next preceding the first of *November* one thousand eight hundred and thirty, any thing in the said recited acts directing the amount of compositions for tithes to be calculated upon an average of the sums paid or agreed for or adjudged to be paid during the seven successive years next preceding the first day of *November* in the year one thousand eight hundred and twenty-one to the contrary hereof notwithstanding; and the certificates stating the average prices of corn shall refer to such seven successive years preceding the first day of *November* one thousand eight hundred and thirty accordingly.

average of
seven years
preceding
1st Nov. 1830.

II. And be it enacted, that from and after the passing of this act so much and such parts of the said recited acts as make the assent, consent, or approbation of any archbishop, bishop, patron, or sequestrator necessary to give validity to the appointment of any commissioner under the said recited acts, or to any act of such commissioners in execution of their duty thereunder, shall be and such parts of the said acts are hereby repealed accordingly; and all such appointments and acts shall be good, valid, and effectual without such assent, consent, or approbation, to all intents and purposes as if such assent, consent, or approbation, had not been mentioned in such acts.

So much of
recited acts
as requires
consent of
patron, &c.
to appoint-
ment of com-
missioner,
&c. repealed.

III. And be it enacted, that in and for every parish or parts of a parish in *Ireland* wherein a composition for the tithes thereof shall not have been made under the said recited acts with the several persons entitled to tithe therein within three months after the passing of this act, it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, when and as he or they shall so think fit, to nominate some person to be a commissioner for carrying the said recited acts and this act into execution within such parish, and such person shall be entitled to and receive such and the same payment or remuneration for the performance of his duty under this act as any commissioner or umpire appointed under the provisions of the said recited acts, and such person shall be qualified in respect of property to such amount and in like manner as it is by the said recited acts required that the commissioners appointed in the manner therein mentioned shall be qualified; and such person shall not be owner or proprietor of any tithes or composition for tithes, nor owner or occupier of any land subject to the payment of any tithes or composition for tithes, in the parish or place for which such person shall be so appointed to be commissioner; and every person so appointed to be such commissioner shall take and subscribe such oath for the performance of his duty as such commissioner, and also such oath of qualification in respect of property, as are required to be taken and subscribed by any commissioner appointed under the said recited act of the fourth year of his late majesty, inserting in such oaths the title of this act after the title of the said recited act; and every person so appointed such commissssioner shall proceed to ascertain and fix the amount of the yearly sum of money to be paid to the incumbent or other person or persons, or body politic or collegiate, or corporation, entitled to any tithes, rectorial or vicarial,

In parishes
where com-
position shall
not have been
made within
three months
lord lieute-
nant may
nominate a
commission-
er, who shall
fix the
amount of
composition,
and have
same power
as commis-
sioners un-
der recited
acts.

predial, personal or mixed, in the parish in and for which such commissioner shall be so appointed, and shall for that purpose have and use all such powers and authorities as are by the said recited acts and this act given to any two commissioners appointed under the provisions of the said acts, and as such two commissioners, or either of them, if appointed in the manner prescribed by the said recited acts, might have used and exercised for that purpose.

In case commissioner shall die, &c. a new commissioner shall be in like manner appointed.

Acts of former commissioner good.

IV. And be it enacted, that if any commissioner appointed in manner aforesaid shall die, or shall neglect or refuse to act, or become incapable of acting, then and in every such case a new commissioner shall be in like manner appointed, who shall be in like manner qualified, and take the like oaths, and in all respects have the like powers and authorities as the commissioner in whose room he shall be appointed: provided nevertheless, that in case any commissioner so ceasing to act shall have entered upon the execution of his duty under this act, it shall not be necessary for any commissioner who may be subsequently appointed in his room to commence *de novo* any proceeding by such former commissioner in part performed or executed, but that all the acts of such former commissioner shall be and remain alike valid and effectual to all intents and purposes as if he had continued to act as such commissioner.

Enactments of recited acts to be applicable to compositions made by sole commissioner under this act; and expenses of such compositions to be provided for as under recited act.

V. And be it enacted, that all enactments and provisions in the said recited acts relating to the compositions established by any two commissioners appointed in manner therein mentioned shall extend and be applicable to every composition to be established by any sole commissioner appointed by the said lord lieutenant or other chief governor or governors under authority of this act as if such enactments and provisions were herein recited and inserted, save and except as respects the appointment of an umpire, or as the said enactments or provisions may be otherwise repugnant or inapplicable; and the expenses attendant upon the establishment of any composition by a sole commissioner appointed hereunder, as aforesaid, shall be defrayed in like manner as the expenses attendant upon establishing compositions by two commissioners appointed under the said recited acts; provided that a moiety of the payment or remuneration of such sole commissioner shall be paid and defrayed out of the amount of composition payable to the incumbent, proprietor, or other person or persons entitled thereto; and all powers and authorities by the said recited acts provided for the advance out of the produce of the consolidated fund of any monies for defraying such expenses as aforesaid, and for enforcing the repayment of the money so advanced, shall apply and extend, subject to the like regulations and limitations as established by the said recited acts, to authorize the advance of money for the purposes of this act, and to enforce the repayment thereof, as fully, to all intents and purposes, as if such powers and authorities were herein specifically mentioned and set forth.

All compositions, although limited to twenty one years by former acts, shall endure for ever, or

VI. And be it enacted, that all compositions heretofore or which may hereafter be made and established in any parish shall, any thing in the said recited acts contained limiting the duration of such compositions to the term of twenty-one years to the contrary notwithstanding, remain and endure for ever, or until the same shall be

redeemed or extinguished in such manner as parliament may hereafter prescribe and appoint, but subject nevertheless to such variation from time to time for ever hereafter in the amount of such compositions as hereafter mentioned; that is to say, in respect of all compositions heretofore made and established, to variation at such periods as such compositions may now be respectively liable to; and in respect of such compositions as may be invariable during the whole period of twenty-one years for which they may have been made, to variation at the termination of such period, and thenceforth at any time between the first of *May* and first of *November* in each succeeding seventh year; and in respect of all such compositions hereafter to be established, to variation between the first of *May* and first of *November* in each seventh year next after the day from which each such composition shall commence: provided always, that the amount of all compositions heretofore or which may at any time hereafter be made and established shall, any thing in the said recited acts contained to the contrary notwithstanding, be increased or diminished with reference to the average price of corn as advertized in the *Dublin Gazette* during the seven years immediately preceding, and not otherwise, and that such increase or diminution shall be applied for and effected in all respects in the same manner as is prescribed in the said recited acts, save and except in so far as relates to the year in which the same is appointed to take place, and also save and except in so far as relates to the calculation of such increase or diminution upon reference to the average price of wheat or oats within the same county.

until redeemed or extinguished.

Variations to which such compositions shall be subject.

VII. Provided, and be it enacted, that in all cases when an application for the variation and increase or diminution of any composition might have been made between the first day of *May* and the first day of *November* in the year one thousand eight hundred and thirty-one, and that no such application was made, it shall and may be lawful to make such application at any time after the passing of this act and before the first day of *November* one thousand eight hundred and thirty-two; and such application may be made by such persons, and such proceedings shall be had thereupon, as by the provisions of the said recited acts authorized and directed in the cases of applications for the like purpose made within the periods limited and appointed thereunder: provided nevertheless, that it shall become again lawful to make application for such variation as aforesaid at such period as would have been lawful in case this enactment had not been made; and that the same shall not be taken in any respect to change or affect the period or series of years appointed for such variation, save as herein specifically provided.

In cases where application might have been made for variation in the year 1831, and was not made, such an application may be made this year.

VIII. Provided further, and be it enacted, that where the amount of the composition established in any parish shall have been fixed by agreement, such amount not having been ascertained by any commissioners or umpire pursuant to the provisions of the said recited act of the fourth year of the reign of his late majesty, it shall and may be lawful for any seven or more persons in such parish, qualified in like manner as persons authorized to proceed in execution of the said recited acts at any special vestry called in such parish are by such acts required to be qualified, at any time within

Allowing an appeal against compositions established by agreement if ignorantly entered into.

three calendar months after the passing of this act, to require the churchwardens of such parish to summon a special vestry for the purpose of considering the propriety of appealing against the composition so established in such parish; and such churchwardens shall cause public notice to be given, in the usual manner of giving notices for holding vestries, that a special vestry of persons qualified according to the directions of the said recited acts will be holden on some day to be named in such notice, being not less than seven days nor more than fourteen days from the first publication thereof for the purpose aforesaid; and such vestry so assembled shall take such composition into consideration, and may adjourn from time to time to any day or days not more than ten days distant from the first day of meeting; and if at such vestry, or any adjournment thereof, it shall be determined to appeal against the composition established in such parish, such appeal shall be made to the lord lieutenant or other chief governor or governors of *Ireland* in council, in the name of such vestry, on behalf of such parish, and the grounds of such appeal shall be stated in writing, and signed by the chairman of such vestry, and transmitted by him to the clerk of the privy council within two days after such meeting; and in like manner it shall be lawful for any incumbent or impropiator, or body politic or corporate or collegiate, or any person or persons entitled to any tithes or portion of tithes in any parish wherein any composition shall have been established by agreement as aforesaid, to appeal to the said lord lieutenant or other chief governor or governors in council, such appeal to be lodged, together with the grounds and reasons thereof, in writing, with the clerk of the said council within such period of three calendar months as aforesaid; and notice of every such appeal shall be inserted by or on behalf of the parish or party appellant in the *Dublin Gazette* once in two successive weeks after such appeal shall have been lodged as aforesaid with the clerk of the council.

Lord lieutenant and privy council to hear the appeals.

IX. And be it enacted, that it shall be lawful for the lord lieutenant or other chief governor or governors, by and with the advice and consent of his majesty's privy council of *Ireland*, to hear and determine every appeal so lodged as aforesaid; and if it shall appear that the agreement or composition in respect whereof such appeal shall have been lodged was unjust, on account of the concealment or ignorance on part of either of the parties thereto of any facts the knowledge whereof was essential to the making an equitable arrangement between them, then and in such case it shall and may be lawful for such lord lieutenant or other chief governor or governors, by and with such advice and consent as aforesaid, to make order for the decreasing, increasing, or modifying the amount of the composition stated in the certificate thereof, as to such lord lieutenant or other chief governor or governors and council shall seem just; and such certificate, and the amount of the composition ascertained thereby, and the entry of such certificate in the registry of the diocese, shall be altered and amended in such manner as shall be directed by such lord lieutenant or other chief governor or governors and council; provided always, that in case any such composition established by agreement as aforesaid shall be altered, in manner before mentioned,

Judgment of privy council to relate to

by the judgment of such lord lieutenant or other chief governor or governors and council, such judgment shall relate to and take effect from the first day of *May* or the first day of *November*, as may happen, last preceding, and shall be without prejudice to any arrears of such composition at that time due and payable, or to any remedy or proceeding for levy and recovery of such arrears.

first May or
first November
last pre-
vious.

X. And be it enacted, that on the hearing and decision of any appeal which may be made under the provisions of this act against any composition established by agreement as aforesaid, such costs as the said lord lieutenant or other chief governor or governors, with the advice and consent of the said privy council, shall think fit to adjudge and direct, shall be paid to or by any party appealing or appealed against.

Costs of ap-
peal.

XI. And be it enacted, that where any lands liable to the payment of tithes or any composition for tithes shall be situate in any extra-parochial place, or in any place which may not be known to belong to any or to what parish, all such and the same proceedings as by this act directed to be had for the purpose of carrying this act into execution in any parish shall be had and taken to carry the same into execution within such place, or such aggregate places, in cases where under the provisions of the said recited acts any composition may be or may have been established in such aggregate places; and all provisions in this act contained shall extend to such place or places; and all provisions in the said acts contained, in any manner varying or accommodating to the circumstances of such places the other provisions of the said acts as applicable to parishes, shall extend and apply to vary and accommodate the provisions of this act to such places, and to carry the same into execution within such places, in like manner and as fully as to vary or accommodate the provision of the said recited acts to such places, and to carry the same into execution within such places; and it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, in all cases where it shall seem to him fit or necessary, to nominate and appoint some person to act as a churchwarden in any such place or places for the purposes of the said recited acts or of this act; and all acts, matters, and things done pursuant to the provisions of the said recited acts or this act, by or with relation to the person so nominated and appointed as and in lieu and stead of a churchwarden, shall be as good, valid, and effectual to all intents and purposes as if such place or places were a parish, and such person the churchwarden thereof, duly constituted according to law.

Extra-paro-
chial places
to be within
the meaning
of this act.

XII. And be it enacted, that no person holding or occupying land in *Ireland*, as tenant at will or tenant from year to year, or having any lesser estate or interest therein, shall be liable to the payment of any sum or sums of money accruing due and payable after the first day of *November*, one thousand eight hundred and and thirty-three on account of any composition for tithes chargeable or which may become chargeable on such land; and the person who shall have, in such land, the first estate or interest greater than such tenancy from year to year, shall be and become, for and during the continuance of such estate or interest, liable to the

Tenants at
will or from
year to year
exempted
from pay-
ment of com-
positions
after first
November
1833; and the
person hav-
ing the next
greater es-
tate made
liablethence.

forth; and the liability to devolve, on the expiration of such first greater estate, on the next greater estate, and so on for ever to the fee.

payment of the composition from such first day of *November* one thousand eight hundred and thirty-three, and thenceforth from time to time accruing due and payable in respect of such land; and upon the expiration, surrender, forfeiture, or other determination of such first estate or interest greater than a tenancy from year to year as aforesaid, the person having the next estate or interest in such land greater than such estate as aforesaid shall be and become, for and during the continuance of such estate or interest, liable to the payment of such composition as aforesaid; and so on the liability to the payment of such composition attaching and devolving successively, upon the expiration, forfeiture, or other determination of each and every such previous estate or interest as aforesaid, upon the person having the next such estate or interest for and during the continuance thereof, until such liability shall eventually attach and devolve upon the person having the fee simple and inheritance of such land, who shall be and remain for ever subject thereto: provided always, that such transfers of liability shall be without prejudice to any arrears of composition which may have accrued due at the times of such transfers respectively, and to all remedies for the recovery of such arrears; and provided always, that if any such tenant at will or yearly tenant shall continue in possession, after such first day of *November* one thousand eight hundred and thirty-three, of such land so liable as aforesaid, without entering into any new agreement with his landlord, such landlord so becoming liable shall be entitled to recover from such tenant so continuing in such possession, in addition to the rent then payable by him, the amount of such composition theretofore payable by such tenant; the same to be recovered by all the ways and means and as if the same were part of and added to said rent by agreement between such landlord and tenant originally.

In all future leases the lessee to be free from tithes.

XIII. And be it enacted, that from and after the passing of this act, in all cases where any land shall be let or set or demised in in *Ireland*, the lessee or tenant thereof shall hold such land free from the payment of tithes or composition for tithes; and all contracts, covenants, and agreements to the contrary hereof, howsoever made, shall be utterly null and void.

Saving for leases renewed under covenants.

XIV. Provided, and be it enacted, that in no case where, pursuant to covenant or contract, any lease shall be renewed, or any life or lives be substituted or superadded, or any new lease of the same land be granted, shall the estate, term, or interest previously subsisting be deemed within the meaning of this act to have been determined, nor shall such land be deemed to be or have been let, set, or demised, after the passing of this act, within the meaning thereof.

When party liable to the payment of composition is not in occupation, a receiver may be appointed to enforce payment of arrears of composition.

XV. And be it enacted, that in all cases where any land in *Ireland* shall be held or occupied by any person not liable under the provisions of this act to the payment of the composition for tithes from time to time accruing due in respect of such land, it shall not be lawful to make any distress upon such lands, or upon any goods or chattels thereon, for the recovery and levy of any such composition or arrears thereof; and in all such cases it shall and may be lawful, whenever and so often as the same or any portion of such compo-

sition as aforesaid shall be in arrear and unpaid for one year and an half next after the period when the same may have become due and payable, for a court of equity, upon application in manner hereafter mentioned, and upon its appearing to said court that any legal remedy to enforce payment of such arrear is likely to prove ineffectual, to appoint a receiver to receive such part of the rents of the lands in respect whereof such composition may be due and payable as shall be sufficient to pay such arrear of composition due and unpaid, until the whole of such arrear of composition shall be discharged, and no longer, together with such fees or salary as shall be appointed by the said court for such receiver, as also the necessary costs out of pocket of such application; and that out of the sums so received such salary and costs shall be ordered to be paid; and such order shall be made upon petition and affidavit, after reasonable time given to show cause, and whether any bill has or has not been filed; and whenever any party against whom any such application may be made shall be beyond the seas or without the jurisdiction of the court, it shall be lawful for the court to direct notice of such application to be served on the known attorney, agent, or steward of such party, and such notice shall be as good and effectual as personal service on such party; and it shall be lawful for the court to proceed upon such application, to all intents and purposes as if such party were within such jurisdiction: provided always, that nothing herein contained shall extend to alter or affect any remedy, by distress or otherwise, now by law provided for the recovery or levy of any composition for tithes, in cases where the person liable to the payment of such composition shall hold or occupy the land in respect whereof the same may be payable, nor in any case to prevent any receiver who may be appointed in manner before mentioned from levying, by distress or otherwise, such part of any rents as may be necessary to pay any arrear of composition for satisfaction whereof such appointment may have been made.

In all other cases right of distress to remain.

XVI. And be it enacted, that it shall and may be lawful to sue for and recover any such compositions, or parts thereof, at any time due and in arrear, of and from the person liable to the payment of the same, by bill in equity, or by action of debt or on the case in any of his majesty's superior courts of record in *Dublin*, or in case the amount so sought to be recovered shall not exceed twenty pounds, by civil bill in the court of the assistant barrister of the county wherein the person may reside against whom it is sought to recover such composition, or in case such person shall reside in the county of *Dublin*, by civil bill in the court of the chairman of the sessions of the peace for such county.

Compositions recoverable by action or civil bill.

XVII. And be enacted, that it shall and may be lawful for any person, having in possession any estate or interest in land charged or which may become chargeable with the payment of any composition for tithes, such person not being a tenant for any lesser term than a term of twenty-one years from the commencement thereof, and any such person is hereby empowered and entitled, to agree for and undertake the future payment of such composition, on the terms and in the manner and subject to the preference and other regulations hereinafter contained.

Who may make agreements under this act.

Committees or guardians of incapacitated persons, husbands, and trustees empowered to make agreements.

XVIII. And be it further enacted, that it shall be lawful for the committee or committees of any lunatic, or the guardian or guardians of any infant, or the husband or trustee or trustees of any feme covert, or such person as may be for that purpose nominated by the court of chancery, upon a summary application on the part of any person under any incapacity, and whom such court is hereby empowered to nominate, which lunatic, infant, or feme covert, or other incapacitated person may be interested in any lands, tenements, or hereditaments charged or which may become chargeable with the payment of any composition for tithes, to agree for and undertake, on behalf of such lunatic, infant, feme covert, or other incapacitated person, the payment of any such composition for tithes in the manner by this act prescribed; and every such agreement or undertaking shall be as good, valid, and effectual in law, to all intents and purposes, as if the same were made by a person under no disability or incapacity.

Terms on which agreements shall be made.

XIX. And be it enacted, that any person empowered under the provision hereinbefore contained, and who shall agree for and undertake the duty, obligation, and liability to the future payment of such composition as aforesaid, shall in consideration thereof be entitled to an abatement or reduction on the amount thereof at and after the rate of fifteen pounds *per centum* on such amount: provided always, that if at any time such composition shall be in arrear and unpaid for the space of six months next after the same shall have accrued due and payable, then and in such case no such abatement or reduction shall be made, but the whole original amount of the composition then accruing due and payable shall be *pro illâ vice* due and payable.

Preference established among the persons before described.

XX. And be it enacted, that the chief landlord or lessor seized of any rent and reversion in land charged or which may become chargeable with any such composition for tithes shall be entitled to agree for and undertake the payment of such composition in preference to all other persons whatsoever, provided that such chief landlord or lessor shall signify in manner hereinafter appointed his desire so to do within six calendar months next after the passing of this act; and in case such chief landlord or lessor shall not so signify such desire within such period as aforesaid, then the person having the estate or interest first immediately derived under such chief landlord or lessor shall be preferred to him and to all other persons whatsoever; and in default of the person having such first derivative estate or interest so signifying such desire, then the person having the next inferior derivative estate or interest shall become entitled to a like preference, and so downwards, the person having the estate or interest derived nearest to or next under the chief landlord or lessor being preferred to all persons having estates or interests more remotely derived.

How persons desirous of making agreements are to proceed.

XXI. And be it enacted, that every person empowered under the provision hereinbefore contained, and who may be desirous of agreeing for and undertaking the future payment of any composition, shall deliver or cause to be delivered to the ecclesiastical incumbent or other person or persons entitled to the receipt of such composition a notice in writing signifying such desire, and describing by metes and bounds the lands charged with such composition, and showing

the title, estate, or interest of such person in and to such lands; and it shall be lawful for such ecclesiastical incumbent or other person or persons entitled to the receipt of such composition to require from any person claiming any preference under this act the production of any deed, grant, conveyance, or instrument relating to the alleged or pretended estate or interest of such person; and in case of any dispute or doubt as to such estate or interest, or the right of preference arising thereout, it shall and may be lawful for the court of chancery in *Ireland*, upon the petition of such ecclesiastical incumbent or other person or persons entitled as aforesaid, stating the premises, in a summary manner, and without bill filed, to make an order referring the matter to the decision of any master of the said court, with liberty for the parties to attend such master, and with such other directions as the said court shall deem proper; and the report of such master shall not be liable to any exception, but shall be conclusive of the matters therein certified; and the said ecclesiastical incumbent or other person or persons entitled as aforesaid shall be and he or they are hereby indemnified from and against all suits, actions, and proceedings whatsoever, both at law and in equity, for any act, matter, or thing which may be done in pursuance of or in conformity to such report, on any question so referred to the decision of such master; and the costs of such petition and reference shall be in the discretion of such master, and payment thereof enforced by attachment or otherwise as he shall direct.

In cases of dispute or doubt, with respect to preference, the matter to be referred to a master in chancery.

XXII. And be it enacted, that with all convenient speed after the receipt of any such notice or notices as aforesaid, the ecclesiastical incumbent or other person or persons receiving the same shall and he or they are hereby required to grant to the person giving such notice, and who under and by virtue of the preference by this act established may be entitled thereto, a certificate in writing reciting such notice, and declaring the person who may have given the same entitled to the benefit thereof; and such certificate shall be executed under the hand and seal of such ecclesiastical incumbent or other person or persons; and at foot thereof a declaration shall be inserted, declaring the acceptance of the same by the person who may have given such notice; and such declaration shall be in like manner executed under the hand and seal of such person; and to every such certificate there shall be annexed a map or terre chart or ground plan of the lands charged with the composition to which such certificate shall refer; and a counterpart of every such certificate and declaration, with a like map or terre chart or ground plan annexed thereto, shall within two calendar months next after the date or dates thereof be deposited in the office of the registrar of the diocese wherein such lands shall be locally situate, or, in the case of lands situate within the peculiar jurisdiction of any archbishop or bishop, or any other exempt or peculiar jurisdiction, in the office of the registrar of such peculiar jurisdiction, to be perpetually kept and preserved therein; and such registrars shall respectively so deposit and preserve the same, and shall give and sign an acknowledgment of such deposit thereof, to be written on such certificate, or on some other separate parchment, paper, or instrument; and every such counterpart shall be produced at all proper and usual hours at such

Certificate of agreement to be granted to the person entitled thereto;

and registered in registry of diocese.

registry to every person applying to inspect the same; and an office copy of each such counterpart, certified under the hand of the registrar (and which office copy so certified the registrar shall in all cases grant to every person who shall apply for the same), shall in all cases be admitted and allowed as legal evidence thereof in all courts whatsoever; and every such registrar shall be entitled to the sum of one shilling and no more for such acknowledgment, and the sum of one shilling and no more for so depositing as aforesaid such counterpart, and so as aforesaid acknowledging such deposit thereof, and the sum of sixpence and no more for each such search, and the sum of fourpence and no more for each folio of seventy-two words of each such office copy so certified as aforesaid.

Certificate so registered to make the party liable to payment of composition.

XXIII. And be it enacted, that from and after the registration of any such certificate and declaration, and by virtue and force thereof, the person subscribing such declaration shall be and become and remain subject and liable to, and bound to make payment from the first day of *May* or the first day of *November*, as may happen, last previous to the date thereof, of the composition from time to time accruing due in respect of the lands referred to in such certificate, to the ecclesiastical incumbent or other person or persons from time to time entitled thereto, for and during the continuance of all the estate and interest of such person so subscribing such declaration in such lands, as fully and completely to all intents and purposes as, in case no such agreement had been made, the same or any other person or persons would have been or might have become subject and liable to such payment under the provisions of this act or otherwise, but entitled nevertheless to such deduction or abatement on the due and punctual payment of such composition as hereinbefore mentioned; and every ecclesiastical incumbent or other person or persons who may be from time to time entitled to the receipt of such composition shall have, against any person taking upon him in manner aforesaid the payment of any composition, all such and the like remedies for recovering and levying the same as against any person any how otherwise liable to the payment of composition for tithes.

Certificate to enable party to whom it shall be granted to recover over against the persons liable to composition for tithes the full amount, and to operate as an assignment.

XXIV. And be it enacted, that it shall and may be lawful for the person to whom any such certificate shall be granted, from and after the registration thereof, to have, recover, and receive to his own use the full amount, without deduction or abatement, of the composition referred to in such certificate, of and from the person or persons from time to time liable under the provisions of this act, or otherwise, to the payment thereof, from the first day of *May* or first day of *November*, as may happen, last previous, for and during the continuance of all his estate or interest in the lands chargeable therewith; and such certificate shall have the effect of and be deemed and taken to be and shall operate as a good, valid, and effectual grant, assignment, or conveyance in law to such person, for and during his said term or interest, of all the right, title, and interest of any and every ecclesiastical incumbent or other person or persons who may be or become in any manner entitled to have, recover, and receive such composition of and from such person or persons so liable, or from time to time becoming liable as aforesaid;

and every such person to whom any such certificate shall be granted shall have, for the recovery and levying of any such composition, all such and the like remedies as, under the said recited acts and this act, or otherwise, any ecclesiastical incumbent or other person or persons entitled to the receipt of any composition for tithes; and all such assessments, applotments, books, papers, and documents as would otherwise be conclusive evidence for any person of the amount of any composition, or any other act, matter, or thing, shall be alike conclusive evidence for the person to whom such certificate shall be granted; and all clauses, provisos, and conditions in the recited acts or this act contained, regulating the payment of such compositions, and enabling or facilitating the recovery of such compositions by the persons entitled to receive the same, shall enure and extend, so far as the same are applicable, to and for the payment and recovery thereof to and by such person; and all notices required to be given to and all matters required to be done by any ecclesiastical incumbent or other person or persons entitled to the receipt of any such composition shall be given to and done by such person as aforesaid; and he shall, for and during such estate or interest as aforesaid, to all intents and purposes be and be deemed to be, in relation thereto, in the place and stead of such ecclesiastical incumbent or other person or persons entitled to the receipt of such composition.

XXV. Provided always, and be it enacted, that no such agreement or undertaking for the future payment of any composition shall in any respect prejudice or affect the right of any ecclesiastical incumbent or other person or persons to have, recover, and receive any arrears of such composition theretofore due and in arrear; and that such ecclesiastical incumbent or other person or persons shall have such and the like remedies for recovery thereof as if no such undertaking or agreement had been entered into.

Agreements to be made without prejudice to previous arrears

XXVI. And be it enacted, that the hereinbefore contained provisions, enabling persons to take upon them the future payment of compositions for tithes, shall extend to all compositions hereafter to be established, when and as the same shall be established under the provisions of the hereinbefore recited acts and this act; and that the expenses attendant upon any such agreement or undertaking to be entered into under the foregoing provisions, and of registering the same, shall be defrayed by the person entering into such agreement or undertaking.

Compositions hereafter established to be within the provisions of this act.

XXVII. And whereas in many parishes a valuation of tithes for the present year one thousand eight hundred and thirty-two has been or may be prevented from being made, by means of combinations and intimidation, or if made, from being duly proved, to the great injury and loss of the tithe owners; be it therefore enacted, that in case it shall appear by any affidavit to be annexed to any bill to be filed in the court of chancery or the court of exchequer, or libel or petition to be exhibited in any ecclesiastical court, or complaint in writing to be preferred to or before any justices of the peace, as now warranted by law, for recovery of the amount of any tithes for this present year one thousand eight hundred and thirty-two, payable to any ecclesiastical person or body, or to any impropriator, or the representatives of any person or persons deriving by

Manner of proceeding where valuation not made, or destroyed by violence, &c.

or under any of them, that a valuation of the tithes of the lands of the person or persons so to be sued or proceeded against for tithes of the said year one thousand eight hundred and thirty-two was not made, by reason of any such combination, intimidation, or other undue means, or that such a valuation having been made the notes or items of such valuation have been destroyed, or by reason of any violence, fraud, or fatality cannot be produced and proved, and if the said affidavit shall also set forth, to the best of the deponent's knowledge, information, and belief, the average value of the tithes of the lands of the person or persons from whom the tithes for the said year one thousand eight hundred and thirty-two shall be so claimed, calculated on an average of all the sums paid or agreed for or adjudged to be paid on account of the tithes of the same lands during and for the years one thousand eight hundred and twenty-eight, one thousand eight hundred and twenty-nine, and one thousand eight hundred and thirty, it shall not be necessary in such case to set forth in any such bill, libel, petition, or complaint the particulars, quantities, or actual value of all or any tithes of the said lands, or of any titheable matters, but only the amount of the aforesaid average value of the tithes of the said lands for the said years one thousand eight hundred and twenty-eight, one thousand eight hundred and twenty-nine, and one thousand eight hundred and thirty, so calculated as aforesaid; and that the judge and judges, and justices of the peace, shall in every such case receive and admit evidence of the amount of the average of the tithes of the said lands for the said years one thousand eight hundred and twenty-eight, one thousand eight hundred and twenty-nine, and one thousand eight hundred and thirty, as proof of the actual value of the tithes thereof for the said year one thousand eight hundred and thirty-two, and shall and may decree and adjudge the amount of such average sum to be accordingly paid, in such and the same manner and form as he or they should and ought to do were the usual proof made of the particular quantities and values of the tithes and titheable matters for the said lands due for the said year one thousand eight hundred and thirty-two: provided always, that in case the person or persons against whom any such suit or proceeding shall be commenced and prosecuted shall prove to the satisfaction of the said judge or judges, or justices of the peace, as the case may be, the true value and quantities of the tithes and titheable matters in respect of which such suit or proceeding shall have been so instituted for the tithes of the year one thousand eight hundred and thirty-two as aforesaid, and that it shall be found on such proof that the amount thereof is less than the amount of the average so calculated as aforesaid, then such decree, order, or adjudication shall award payment of such lesser sum only, instead of the amount of the said averaged sum; any thing herein contained to the contrary notwithstanding.

Certificate,
&c. exempt-
ed from
stamp duty;
and no char-
ges to be
made for
searches in

XXVIII. And be it enacted, that no deed, certificate, or declaration or other instrument to be made or executed under the provisions of this act shall be subject to any *ad valorem* or other stamp duty whatsoever, imposed by any act or acts now in force, or which may be imposed by any such future act or acts, unless the same be

especially subjected thereto; and that no fee or fees shall, save as the registry office in Ireland. hereinbefore provided, be paid or payable to any officer or officers in any registry office, for making searches concerning any estates, manors, lordships, messuages, lands, tenements, rents, or hereditaments, or any term or interest therein, nor on account of any certificate of any such search, nor for any copy or extract from any registry book or abstract book or other record which may be required by any person for the purposes of this act, imposed by any act or acts now in force, or which may be imposed by any future act or acts, unless the same be specially subjected thereto in and by such future act or acts.

XXIX. And be it enacted, that except where the nature of the provision or the context shall exclude such construction, the words and expressions hereinafter mentioned shall in this act be interpreted as follows; (that is to say), the word "person" shall extend to a body politic, corporate, or collegiate, aggregate or sole, his majesty, his heirs and successors, always excepted; and that wherever the word "person" shall be used in connection with or as describing the owner of any estate or interest in land, or the person making any agreement under this act, the heirs, executors, administrators, assigns, or successors of such person or corporation, and all trustees or feoffees and other persons claiming or deriving under such person or corporation, and having the same or an equal estate or interest, shall be understood to be meant, as well as such person or corporation; and the words "ecclesiastical incumbent or other person or persons" shall extend to an archbishop, bishop, dean, dean and chapter, archdeacon, prebendary, canon, rector, vicar, or curate, and to any impropiator or appropriator; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male. Interpretation of certain expressions in this act.

XXX. Provided always, and be it further enacted, that no composition to be made under this act in any parish the tithes whereof had been previously demised or compounded for by any deed, lease, or instrument then subsisting and in operation shall defeat or affect such deed, lease, or instrument, or any title or interest thereunder, but that the said deed, lease, or instrument shall remain and be, during the continuance of such title or interest, to all intents and purposes as valid and effectual as if this act had not been passed; and that such composition so to be effected under this act shall be suspended, and not come into operation or effect, until after the termination of such title and interest as aforesaid. Compositions for tithes previous to passing this act to remain in force.

XXXI. Provided always, and be it further enacted, that in ascertaining the amount of composition to be made for tithes in any parish or place under this act the extraordinary income arising from the tithes of tobacco shall not be included in such estimate, but the same shall be estimated as if wheat, or the corn principally grown in the county in which such parish or place is situate, had been grown in lieu of tobacco, in the same places and to the same extent; and provided also, that where evidence of the sums paid, agreed for, or adjudged to be paid for the tithes of any parish, or for the tithes Tithe on tobacco.

of any lands subject to the payment of tithes in any parish, for any year or years during the seven years immediately preceding the first day of *November* one thousand eight hundred and thirty, cannot be had, then and in every such case the value of the tithes of such parish or lands for such year or years shall be estimated by the commissioners under this act according to the best information which they can obtain.

Appeal.

XXXII. Provided always, and be it further enacted, that at any time within six months after the passing of this act it shall and may be lawful for any incumbent, impropiator, or other person interested in any composition heretofore made under the said recited acts, who shall think himself aggrieved by the apportionment or appropriation made in any certificate of the composition therein mentioned, to appeal to the lord lieutenant or other chief governor or governors of *Ireland* in council, against such apportionment or appropriation; such appeal to be lodged, together with the grounds and reasons thereof, in writing, with the clerk of the said council; and notice of every such appeal shall be inserted, by or on behalf of the appellant, in the *Dublin Gazette*, once in two successive weeks after such appeal shall have been lodged as aforesaid; and thereupon it shall be lawful for the lord lieutenant or other chief governor or governors of *Ireland* in council to hear and determine every appeal so lodged, and to make such order for the varying, altering, or modifying of the apportionment and appropriation of such composition, and for the payment of any costs to or by any party appealing or appealed against, as shall seem meet; and such certificate, and the entry thereof in the registry of the diocese, shall be altered and amended in respect to such apportionment and appropriation as shall be directed by such lord lieutenant or other chief governor or governors and council.

Enactments of former acts, save as hereby altered, to remain in full force.

XXXIII. And be it enacted, that the several provisions, clauses, and enactments in the said acts hereinbefore recited, or any of them, contained, shall, save so far as the same are hereby modified, repealed, or superseded, extend to, and be used, extended, and exercised in and to and for the execution and for the purposes of this act: and that nothing herein contained shall be deemed or construed to repeal any of the provisions of the said recited acts, save as herein specifically provided and enacted, or as may be necessary for the complete and effectual execution of the purposes of this act and of the said recited acts.

Act may be altered, &c. this session.

XXXIV. And be it further enacted, that this act may be altered, amended, or repealed by any act or acts to be passed during this present session of parliament.

3 & 4 WILLIAM 4, CAP. 100.—*An act for the relief of the owners of tithes in Ireland, and for the amendment of an act passed in the last session of parliament, intituled an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent.*—Whereas it is expedient to make provision for the purpose of removing the necessity for the collection of tithes and compositions for tithes in *Ireland* in this present year,

and for the recovery of the arrears of tithes for the years one thousand eight hundred and thirty-one and one thousand eight hundred and thirty-two; and to make an advance of money in lieu of tithes and arrears of tithes and compositions for tithes for such years to such of the persons entitled thereunto as may be desirous of obtaining relief under this act, and to make provision for the repayment of such advances by instalments in the next five years; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the commissioners of the treasury for the time being from time to time, by warrant under their hands, to cause or direct any number of exchequer bills to be made out at the receipt of his majesty's exchequer at *Westminster* for any sum or sums of money not exceeding in the whole the sum of one million pounds; and such exchequer bills shall be made out in the same or like manner, form, and order, and according to the same or like rules and directions, except where other directions for making out the same are particularly expressed in this act, as are directed and prescribed in and by an act passed in the forty-eighth year of the reign of his majesty king *George* the third, intituled *an act for regulating the issuing and paying off of exchequer bills*.

Treasury authorized to direct exchequer bills to be made out to the amount of one million.

48 G. 3, c. 1.

II. And be it further enacted, that, save as aforesaid, all and every the clauses, provisos, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited act of the forty-eighth year of the reign of his majesty king *George* the third shall be applied and extend to the exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

Provisions of 48 G. 3, c. 1, to extend to this act.

III. And be it enacted, that the said exchequer bills to be made out in pursuance of this act shall and may bear an interest not exceeding the rate of three-pence halfpenny *per centum per diem* upon or in respect of the whole of the monies respectively contained therein; and the principal sum contained in such exchequer bills, and the interest accruing due thereon, shall be made payable at such periods and at such places as shall be fixed by the said commissioners of his majesty's treasury; nevertheless so as that all such bills as shall be made out in pursuance of this act shall be made payable within five years from the date thereof; and that the principal sum contained in every such bill, and such interest as may be due thereon, shall be paid off and discharged, either together or separately, upon the days and times respectively appointed for the payment thereof.

Exchequer bills to bear interest, and be made at what dates.

IV. Provided always, and be it further enacted, that all and every the exchequer bills to be made out by virtue of this act, or so many of them as shall from time to time remain undischarged and uncanceled after the respective days on which they shall become due and payable, shall and may after that time pass and be current to all and every the receivers and collectors, in *Great Britain* and *Ireland*, of the customs, excise, or any revenue, supply, aid, or tax whatsoever due or payable to his majesty, his heirs or successors,

Exchequer bills to be current with collectors of excise when due.

and also at the receipt of the exchequer in *Great Britain*, and at the bank of *Ireland*, to the credit and account of the teller of his majesty's exchequer in *Ireland*, from the said receivers or collectors ; but no such receiver or collector shall exchange, at any time before the said day of payment thereof, for any money of such revenues, aid, taxes, or supplies in his hands, any exchequer bill which shall have been issued as aforesaid by virtue of this act, nor shall any action be maintained against such receiver or collector for neglecting or refusing to exchange any such exchequer bill for ready money before the said day of payment thereof, any thing in this act contained to the contrary in anywise notwithstanding ; and that such of the same bills as shall be received at the said receipt of the exchequer in *Great Britain*, and at the said bank of *Ireland*, to the credit and account of the said teller of his majesty's exchequer there, shall and may be locked up and secured as cash, according to the course of the said exchequers of *Great Britain* and *Ireland* respectively settled and established by law for locking up and securing monies received in specie at the said exchequer of *Great Britain* or bank of *Ireland*, to the credit and account of the teller of the said exchequer of *Ireland* respectively.

Exchequer bills to be issued agreeably to certificates of commissioners of the treasury.

V. And be it enacted, that when and so often as any advances may become payable under the provisions hereinafter contained it shall and may be lawful for the lord lieutenant of *Ireland* to certify to the commissioners of the treasury the amount of the exchequer bills required, as occasion shall arise for such advances, and thereupon the said lords commissioners of the treasury shall certify to the auditor of the receipt of his majesty's exchequer at *Westminster* for the time being the amount of exchequer bills so required ; and such auditor shall, on such certificate of the commissioners of the treasury being deposited in his office, cause and direct such exchequer bill or bills to such amount and payable at such periods and bearing such rate of interest as may be expressed in the said certificate of the commissioners of the treasury, to be delivered to the teller of his majesty's exchequer of *Ireland*, or to such person as shall be by such teller duly authorized on his behalf to receive the same, and such bill or bills shall be by such teller issued and delivered, upon the warrant in writing of the said lord lieutenant, to the person or persons in such warrant named ; and every such exchequer bill shall bear date on the day on which the said lords commissioners of the treasury shall appoint and direct, and shall and may be signed by the auditor of the receipt of his majesty's exchequer at *Westminster*, or in his name by any person duly authorized so to do.

Banks of England or Ireland, or provincial bank, may advance money on exchequer bills

VI. And be it enacted, that it shall and may be lawful for the governor and company of the bank of *England*, or the governor and company of the bank of *Ireland*, or for the directors and company of the provincial bank of *Ireland*, respectively to advance or lend to his majesty, at the respective receipts of the exchequers of *Great Britain* or *Ireland*, upon the credit of the exchequer bills issued under this act, any sum or sums of money not exceeding in the whole the sum of one million pounds, any thing in an act made in the fifth and sixth years of the reign of king *William* and queen *Mary*, intituled *an act for granting to their majesties several rates and duties upon*

tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying the war against France, or in any other act or acts to the contrary thereof in anywise notwithstanding.

VII. And be it enacted, that it shall and may be lawful for any person entitled to any tithes arising out of lands in *Ireland* for the years one thousand eight hundred and thirty-one or one thousand eight hundred and thirty-two, or for this present year one thousand eight hundred and thirty-three, to make application, at any time within three calendar months after the passing of this act, to the said lord lieutenant, praying relief under this act in respect of such tithes; and such application shall be made by a memorial, showing the tithes in respect whereof such relief may be sought, and the right and interest of such person in and to the same, and the amount or value thereof, computed as hereinafter mentioned; and to each such memorial shall be annexed a schedule, specifying the several lands out of which and the year in which such tithes may have so arisen or arise, and the amount or value arising out of each holding respectively, and the names and descriptions of the several persons chargeable with each item thereof in each year, and what, if any, portion thereof has been paid or satisfied, and the sums remaining due by each of such persons respectively; and if the value of the tithes arising out of such lands shall not have been ascertained by composition, agreement, or otherwise, then and in such case the value thereof shall in every such memorial be estimated and calculated on the average of the sums annually paid or agreed or adjudged to be paid on account of the tithes of the same lands during and for the years one thousand eight hundred and twenty-eight, one thousand eight hundred and twenty-nine, and one thousand eight hundred and thirty; and such memorial and schedule shall distinguish accordingly the tithes payable under and by virtue of any composition or agreement, and those not so payable; and the several matters set forth and alleged in each such memorial and schedule shall be verified upon oath by the memorialist, such oath to be administered by any justice of the peace for the county in which such memorialist usually resides; and with every such memorial and schedule a duplicate thereof shall be transmitted to the said lord lieutenant by the memorialist: provided always, that if it shall be made to appear by the oath of such memorialist that evidence of the sums paid or agreed or adjudged to be paid as aforesaid cannot be had by reference to any books of accounts, papers, or documents in the power or possession of such memorialist, or of his agents, bailiffs, or proctors, or by any adjudications which may have been made in respect of such tithes for and during the years aforesaid, then and in such case it shall be lawful for such memorialist to estimate and calculate the value thereof according to the best information he can obtain, and to verify the same to the best of his belief and information as aforesaid.

Any person entitled to any tithes for 1831, 1832, or 1833, may apply to lord lieutenant for relief under this act by memorial.

What memorial and schedule shall contain

If value of tithes shall not be ascertained by composition, such tithes to be estimated on average of sums paid during 1828, 1829, and 1830.

VIII. Provided always, and be it enacted, that no tithes for the years one thousand eight hundred and thirty-one or one thousand

No tithes for 1831 and 1832 to be

included in memorial not due by persons interested in or in occupation of lands out of which same may have arisen.

2 & 3 W. 4, c. 119.

No proceedings for recovery of tithes shall be taken under 2 W. 4, c. 41., and proceedings already taken shall be stayed.

Tithes of 1831 may be included in memorial, although relief obtained under recited act.

In such case sums advanced to be stated.

Lord lieutenant may declare person making application entitled to relief, and thereupon his right to tithes in his memorial, and all arrears previous to 1831, shall cease.

Declaration only to decide right to relief.

eight hundred and thirty-two shall be included in any such memorial or schedule which may be due and owing from or by persons who do not at the time of presenting such memorial continue interested in or in occupation of the lands out of which such tithes may have arisen; nor shall any composition for tithes be included in such memorial and schedule the payment of which composition may have been agreed for and undertaken by any person entitled to enter into such agreement and undertaking under and pursuant to the provisions of an act passed in the last session of parliament, intituled *an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland; and to make such compositions permanent.*

IX. And be it further enacted, that from and after the passing of this act it shall not be lawful to take any such proceedings for the recovery of any tithes or arrears of tithes which may have become vested in his majesty, his heirs and successors, under and by virtue of an act passed in the second year of the reign of his present majesty, intituled *an act to facilitate the recovery of tithes in certain cases in Ireland, and for relief of the clergy of the established church*, as by such act directed; and every court wherein any such proceedings may have been taken shall forthwith stay such proceedings, and in case any writ or process of execution shall have issued, set aside the same, and discharge the defendant if taken thereunder; and any ecclesiastical person who may be desirous of relief under this act, in respect of any tithes for the year one thousand eight hundred and thirty-one, shall and may include in such memorial and schedule as hereinbefore mentioned the tithes to which such ecclesiastical person may have been entitled for the said year one thousand eight hundred and thirty-one, although he may have received relief under the said recited act, any thing in the said recited act divesting such ecclesiastical person of the right to such tithes to the contrary notwithstanding: provided always, that in such case any ecclesiastical person desirous of relief under this act shall state in his memorial the sums advanced to him under authority of the said recited act.

X. And be it enacted, that upon every such application, and due consideration of the several matters stated in each such memorial and schedule, it shall and may be lawful for the said lord lieutenant of *Ireland*, by and with the advice and consent of his majesty's privy council there, to declare the person making such application as aforesaid entitled to relief under this act, and upon such declaration the right, title, and interest of such person in and to all tithes due and unpaid for the years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-three, save and except the tithes and compositions hereinbefore directed not to be included in his said memorial and schedule, and also his right, title, and interest in and to all tithes remaining due and unpaid for any year previous to the year one thousand eight hundred and thirty-one, shall wholly cease and determine.

XI. Provided, and be it enacted, that the declaration of such lord lieutenant and council on the right of any memorialist under this act

shall be deemed and taken only to decide the right of such memorialist to relief under this act; but that the determination of any tribunal or court of justice upon the right of property in the tithes included in such memorial and schedule shall not prejudice the recovery by his majesty of any advances made under this act, or any instalment thereof, in manner hereinafter provided, of and from the person who shall be entitled to the receipt of the composition for such tithes.

No subsequent decision to prejudice right of crown to recovery of advances.

XII. And be it further enacted, that the said lord lieutenant and council shall cause a notice of every application which shall be made to them under this act, and upon which they shall declare the applicant entitled to relief, to be inserted in the *Dublin Gazette*, and in some newspaper commonly circulated in the neighbourhood of the parish to the tithes whereof such application shall relate, and also to be posted on the usual places for posting notices of applications for grand jury presentments in such parish; and every such notice shall mention some convenient dwelling house in or near to such parish where a true copy of every such memorial and schedule shall be deposited and remain for and during twenty-one days (*Sunday* not included in such computation) next ensuing the date of such notice, and between the hours of ten in the morning and four in the afternoon of each day, open to public inspection; and the said lord lieutenant and council shall cause a copy of every such memorial and schedule to be so deposited for public inspection accordingly, and it shall and may be lawful for any person to make any extract therefrom without fee or reward; and the publication in the *Dublin Gazette* of any such notice as aforesaid shall be sufficient evidence of the application mentioned therein, and of the party making the same having been declared by the said lord lieutenant and council to be entitled to relief under this act.

Lord lieutenant shall cause notice of application to be inserted in *Dublin Gazette*, &c. and to be posted in parish.

Notice shall declare where copy of memorial deposited for public inspection.

Such publication to be evidence of party being entitled to relief.

XIII. And be it further enacted, that special sessions for the purpose of revising all memorials and schedules relating to the tithes arising out of lands situate in each county shall be held in each such county by and before the assistant barrister or chairman of the sessions of such or any adjoining county, or a deputy to be appointed in manner hereinafter provided; and such special sessions shall be held at such times and places, and observe such order in the revision of all such memorials and schedules, as the said lord lieutenant shall direct; and the clerk of the peace in and for each such county, or his deputy, shall, twenty-one days at least before the first day appointed for the holding of such special sessions cause to be posted in conspicuous places within each county notices that such sessions will be holden for the revision of such memorials and schedules on the days and at the places appointed for that purpose, and shall specify the memorials and schedules to be revised pursuant to such direction of the said lord lieutenant at each such time and place appointed for the holding of such special sessions, and shall require the parties desirous of making objections to any charge or item in any such memorial and schedule to enter the same with such clerk of the peace on or before the first day of the meeting of the special sessions appointed for the revision of the memorial and schedule to which such objections may relate; and in the case of memorials

A special session shall be held for revising memorials and schedules, of which notice shall be given.

relating to tithes which arise out of lands situate in different counties, such lord lieutenant shall and may refer the same for revision to the special sessions holden in any of such counties; and such lands shall for the purposes of this act be deemed and taken to be all situate in such county.

Persons intending to object to schedule shall give notice to memorialist, his agent, or the high constable, who shall transmit same to clerk of peace

XIV. And be it enacted, that every person who may think himself aggrieved by any charge made or credit omitted in any such schedule shall six clear days before the day appointed for the revision of each such memorial and schedule as aforesaid give to the memorialist, or his known agent, bailiff, or tithe proctor, or leave at the dwelling house of such memorialist, or of his said agent, bailiff, or tithe proctor, or in case the said memorialist or his agent shall not reside in the parish, then to the high constable of the barony, a notice in writing of his intention to object to such charge, or to claim such credit; and such high constable shall without delay transmit all notices so given to him to the clerk of the peace, who shall enter the same, and deliver, upon demand, a list thereof to the memorialist concerned therein, who shall pay for such list a fee of five shillings and no more.

Clerk of peace shall attend such sessions, and enter objections to memorials and schedules.

XV. And be it enacted, that the clerk of the peace for each such county respectively, or his deputy, shall attend at each such special sessions, and shall in a book to be by him for that purpose provided, and which book shall be a record of the county, enter all such objections to any such memorial and schedule as he shall be thereunto required; and the lord lieutenant shall cause the original of every such memorial and schedule to be transmitted to the said clerk of the peace for the county in which such memorial and schedule is to be revised.

Assistant barrister at such special sessions shall hear and decide upon all objections to such memorials and schedules as upon causes by civil bill:

XVI. And be it enacted, that the barrister presiding at each such special sessions shall hear and decide upon all such objections to any charge or item in each memorial and schedule as shall be entered with the clerk of the peace in manner aforesaid, in the order in which the same may have been so entered, and shall have all such powers of administering oaths to witnesses and parties, and compelling the attendance of such witnesses and parties, and for punishing persons giving false testimony, and for trying any controverted fact by a jury, and in all respects have and exercise such jurisdictions and powers concerning the revision of such memorials and schedules, and the determination of all objections thereto, as any assistant barrister is empowered to exercise in respect of any cause or proceeding by civil bill before such assistant barrister: provided always, that in case of any objection to any charge or the amount of any charge contained in any such memorial and schedule, the memorialist shall be required to give evidence in support of the same, in like manner as the plaintiff or suitor in any such cause or proceeding by civil bill; and in case of credit being claimed for the render or payment of any tithe or sum on account thereof, omitted in any such memorial and schedule, the person claiming such credit shall be entitled and required to establish the same according to the course and practice of proceedings by civil bill before any assistant barrister: provided always, that no objection entered as aforesaid with the clerk of the peace shall be heard, unless the person making the same

shall, if so required by such barrister, prove to the satisfaction of such barrister that notice of such objection shall have been given in manner hereinbefore appointed; and every such objection shall be dealt with as if the same were a cause or proceeding by civil bill, in so far as may be consistent with this act; and the decision of such barrister presiding at such special sessions on each such objection shall be deemed and taken to be a decree, or dismiss, as the case may be; save that no process shall issue to enforce the same, and that no appeal shall lie therefrom; and for the entering of every such objection, and the signing of every such decision, and for returning any jury and entering any verdict, or attending any hearing or drawing up any decision, the like fees shall be payable, and no more, as are by law payable on the entering of any cause, or signing any decree or dismiss, or returning any jury or entering any verdict, or attending any hearing or drawing up any decree or dismiss, in any such proceeding by civil bill before any assistant barrister; and every sheriff, clerk of the peace, or other officer shall give attendance and do all such matters and things at such special sessions as he may be bound to do at any sessions held before the assistant barrister of any county for the hearing and determining causes by civil bill.

save that no process shall issue, or appeal lie therefrom. Fees.

XVII. And be it enacted, that the said assistant barrister or chairman shall award such costs upon the hearing of every such objection, to be paid by or to the memorialist or party making such objection, as any assistant barrister may have power and authority to award on any proceeding by civil bill, to be paid by or to the plaintiff or defendant therein; and such costs shall be in like manner taxed; and for the recovery and levying of any such costs execution shall and may issue, as in any such proceedings by civil bill against the body or goods of the party against whom such award shall be made.

Assistant barrister may award costs.

XVIII. And be it enacted, that the assistant barrister or chairman presiding at each such special sessions, having heard and decided upon all such objections as may be made to each such memorial and schedule, shall amend the same accordingly, and transmit such memorial and schedule, so amended, with his signature thereunto attached, to the said lord lieutenant, who shall thereupon authorize and direct such sum to be advanced to the said memorialist as shall appear by his said memorial and schedule, so amended and attested, to be due and owing to him on account of the tithes included in such memorial and schedule, deducting thereout twenty-five pounds *per centum* on the amount of such of the said tithes as shall so appear due and owing for the years one thousand eight hundred and thirty-one and one thousand eight hundred and thirty-two, or either of them, and fifteen pounds *per centum* on the amount of such of the said tithes as shall appear due and owing for the year one thousand eight hundred and thirty-three, and also deducting, in the case of every ecclesiastical person who may have received relief under the said recited act of the second year of his present majesty's reign, any monies which may have been advanced to him under authority of that act.

Assistant barrister shall amend the memorial and schedule and transmit same to lord lieutenant, who shall thereupon direct sum appearing due therein to be advanced to memorialist, deducting certain percentages.

XIX. And be it enacted, that the said lord lieutenant shall cause every such original memorial and schedule so amended, together

Original memorial, with a certificate

of advances, to be recorded in the exchequer, and such advances, repaid by five instalments in the next five years.

with a certificate under his hand of the amount of the advances made to the memorialist, to be lodged with the proper officer in the office of the remembrancer of the court of exchequer in *Ireland*, there to remain of record; and that the amount stated in each such certificate to have been so advanced shall be repaid by five equal instalments, the first thereof to be made on the first day of *November* which will be in the year one thousand eight hundred and thirty-four, and one of the four remaining instalments to be paid on each first day of *November* in the next succeeding four years; and such instalments shall be payable by the person who shall from time to time be entitled to the receipt of the composition for tithes to which or to any arrears whereof the memorialist in respect of whose right such advance may have been made shall be or may have been entitled, or which shall be or have been established in lieu of the tithes to which or to any arrears whereof such memorialist shall be or have been entitled; and each such instalment shall be paid to the collector of excise of the district, or otherwise, as the commissioners of the treasury shall direct; and in default of payment of any such instalment on the day when the same shall fall due, or within three months thereafter, such instalment shall be recoverable as a debt upon record due, by the person at such time entitled to the receipt of such composition as aforesaid, to the king's majesty, his heirs and successors, with all costs and charges attending the same: provided that no process shall issue against the body of any person owing such instalment, and provided that no landlord who may have agreed and undertaken to pay any such composition shall be deemed to be, within the meaning of this act, the person entitled to the receipt of such composition, any thing in the said recited act of the last session of parliament entitling such landlord to recover such composition over against any person whatsoever to the contrary notwithstanding.

Monies repaid, how to be applied.

XX. And be it further enacted, that the monies from time to time paid or recovered in manner aforesaid shall be transmitted, in such manner as the commissioners of the treasury shall direct, to the credit and account of the teller of the receipt of his majesty's exchequer in *Ireland*, distinctly and apart from all other monies; and that it shall be lawful for the said commissioners of the treasury, by warrant under their hands, to order and direct that all or any part of the sum or sums of money from time to time arising or accruing to the credit of the account of the said teller of his majesty's exchequer in *Ireland*, under the provisions herein made, shall be issued to such person or persons in such warrant named, for the purpose of being remitted and transferred to the receipt of his majesty's exchequer at *Westminster*; and that there shall be provided and kept in the office of the auditor of the receipt of the said exchequer at *Westminster* a book or books in which all the monies paid to the credit and account of the said teller by virtue of this act, and remitted and transferred as aforesaid, shall be entered separate and apart from all other monies paid into the said receipt upon any other account whatever; and that all the monies so paid to the credit and account of the said teller by virtue of this act, and remitted and transferred as aforesaid, shall be subject and liable to the uses

and purposes hereinafter mentioned; (that is to say), in the first place, for paying off and discharging all the exchequer bills to be made out and issued by virtue of this act, with such interest as shall be payable thereon, at the respective days and times and in the order and course in which the same may be directed to be discharged; and all such exchequer bills and interest thereon as aforesaid, shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first monies that shall so arise in and to the credit and account of the said teller of the receipt of his majesty's exchequer in *Ireland* accordingly; and the surplus of such monies, if any, shall be carried to and make part of the consolidated fund of the united kingdom of *Great Britain and Ireland*.

XXI. And be it further enacted, that on the several days and times on which any exchequer bills made pursuant to the directions of this act shall become payable, or within ten days thereafter, the said commissioners of the treasury shall cause a true and right account to be taken and attested by the proper officers of all such exchequer bills falling due and payable on such respective days and times, and of the monies which shall then be in the receipt of the exchequer at *Westminster* applicable to the payment and discharge of the same; and if the money which shall have arisen in the said exchequer from or on account of the payments, remittances, and transfers to be made, by virtue of the provisions hereinbefore contained, by the teller of his majesty's exchequer in *Ireland*, shall not be sufficient to discharge the principal and interest due and payable as aforesaid, then such deficiency shall and may be supplied and made good by and out of the aids or supplies which shall be or have been granted for the service of the year in which such exchequer bills shall become payable; and in case the monies arising from such aids or supplies shall not at the time be sufficient for that purpose, then all the said exchequer bills remaining undischarged, with the interest and charges incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as at any time or times after any such deficiencies shall happen shall be or remain in the receipt of the said exchequer of the said consolidated fund, except such monies of the said consolidated fund as may be or have been appropriated to any particular use or uses by any act or acts of parliament in that behalf; and such monies of the said consolidated fund shall and may be issued and applied from time to time, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling and discharging such remaining exchequer bills, interest, and charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable, on demand, to the respective proprietors thereof: provided always, that whatever monies shall be so issued out of the consolidated fund shall from time to time be replaced by and out of the first supplies to be thereafter granted in parliament, any thing therein contained to the contrary notwithstanding; and that whatever monies shall thereafter arise in the said receipt of the exchequer, from or on account of the payments, remittances, and transfers to be made, by virtue of the provisions hereinbefore contained, by the teller of his majesty's

Treasury to cause accounts to be taken of all bills falling due and money applicable thereto at the time; and in case of deficiency in the exchequer for payment thereof the same to be supplied out of the aids for the current year, or the consolidated fund.

Monies so advanced out of consolidated fund to be replaced by other monies.

exchequer in *Ireland*, shall be applied towards replacing the monies before issued out of the said aids or supplies or consolidated fund, as the case may be, any thing herein contained to the contrary notwithstanding.

A duplicate of amended memorial and schedule to be referred to some proper person, who shall ascertain the sums in arrears, subject to the deduction of certain percentages.

XXII. And be it enacted, that the said lord lieutenant shall cause a duplicate of every such memorial and schedule so amended as aforesaid, together with an account of the several sums, if any, recovered by his majesty, under the provisions of the said recited act of the second year of his majesty's reign, in respect of the tithes included in such memorial and schedule, and of the names of the persons from whom such sums may have been so recovered, such memorial, schedule, and account being attested by the signature of the chief or under secretary of such lord lieutenant, to be referred to some proper and discreet person to be by him for that purpose selected, and who shall be remunerated in such manner as the said lord lieutenant shall think proper; and such person shall ascertain, by inspection of such memorial and schedule so amended, and of such account, the amount of the sums remaining due and owing on account of tithes or any composition for tithes from and out of the several lands liable thereto, which amount, subject to a deduction of twenty-five pounds *per centum* on so much thereof as shall have accrued due for the years one thousand eight hundred and thirty-one or one thousand eight hundred and thirty-two, and fifteen pounds *per centum* on so much thereof as shall have accrued due for the year one thousand eight hundred and thirty-three, shall be the sum to be added to the composition for tithes payable out of each of such lands respectively in manner hereinafter mentioned.

Commissioner to make a return of sums to be added to composition, specifying particulars, to be attached to duplicate of memorial and schedule, and lodged with clerk of peace.

XXIII. And be it enacted, that the person to whom every such memorial and schedule shall have been referred as aforesaid shall make out a return of the several sums, ascertained in manner hereinbefore directed, to be added to the composition for tithes payable out of each of such lands respectively, specifying and particularizing such several lands, and the amount payable out of each holding respectively; and such return shall be attached to the duplicate of the memorial and schedule and account referred to such person, and, together therewith, lodged by him, duly attested under his hand, with the clerk of the peace of the county in which such lands shall be situate, or if such lands shall be situate in two or more counties, then with the clerk of the peace of either or any of such counties; and a certified copy of or extract from such memorial and schedule, or return attached thereto, shall be sufficient evidence to all intents and purposes of the several matters and things therein set forth.

Terms of payment of the sums chargeable on such lands and of the composition arising thereout.

XXIV. And be it enacted, that one fifth of the several sums appearing by such return chargeable on such lands respectively shall be payable thereout, in addition to and together with the composition for tithes arising thereout, on the first day of *November* which will be in the year one thousand eight hundred and thirty-four, and one of the remaining four fifths shall in like manner be payable on the first day of *November* in each of the succeeding four years; and such addition to the said composition shall be payable by the person from time to time liable to the payment of such composition to the

memorialist or person from time to time entitled to the receipt of such composition; and payment of such addition to such composition shall and may be recovered and levied by all such ways and means as by law provided for the recovery of such composition, and as if it were part thereof; provided that any landlord who may have agreed for and undertaken the payment of any composition shall be deemed to be, within the meaning of this act, the person liable to the payment thereof.

XXV. And be it enacted, that whenever the person appearing by any such amended memorial and schedule and account, so deposited with the clerk of the peace as aforesaid, to have owed, at the time of presenting such memorial, any sum for or on account of the tithes included in such memorial and schedule, shall occupy the land in respect whereof such tithe ought to have been paid, then and in such case any landlord liable to and paying the sum hereby added to the composition for tithes payable in respect of such land shall be entitled, on each occasion of paying such additional sum, to add one fifth of the sum appearing by such amended memorial and schedule and account to have been due, at the time of presenting such memorial, for tithes by such tenant to the rent payable by such tenant, and shall and may enforce payment thereof by all such ways and means as by law provided for the recovery of rent: provided always, that where any superior landlord shall be liable to the payment of such composition, he shall be entitled, upon each such occasion as aforesaid, to recover, by all such ways and means aforesaid, such fifth of the arrears of tithe appearing due by such schedule and account as aforesaid from his next immediate tenant, and such next immediate tenant shall be entitled, in like manner and by like means, to recover the same from the tenant deriving next under him, and so on successively to the immediate landlord of such occupying tenant, who shall be entitled to recover, in like manner and by like means, the same of and from such occupying tenant by whom such arrears of tithe may have been incurred.

When the person owing a sum for tithes shall occupy the land, the landlord, on paying same, may add such sum to the rent, and enforce payment thereof as such.

Remedy when superior landlord, &c. is liable to payment of composition.

XXVI. And whereas the sum to be added to the composition for tithes payable out of the several lands liable thereto is hereinbefore directed to be computed by reference to the amount of the sums appearing by every such memorial and schedule as aforesaid to remain due and owing for tithes from and out of such lands respectively, subject to the deduction of certain per centages hereinbefore mentioned, and such deduction is intended as a bonus to the persons liable to the payment of such compositions, but in some cases such persons may be the same persons by whom such arrears of tithes may have been incurred, and it is not just that any bonus should be afforded to such persons; be it therefore enacted, that whenever the person liable to the payment of the addition to any composition payable therewith by the provisions of this act shall appear by any such amended memorial and schedule and account as aforesaid to owe any sum for or on account of any tithes included therein, such person shall, over and above such composition and the addition payable therewith, be bound to pay on each occasion of paying such addition such sum as shall be equal to twenty-five pounds *per centum* on the fifth of the arrears of tithe due by such person for the

Persons liable to payment of addition to composition to be subject to certain per-centages on the fifth of arrears of tithe due by them for certain years.

years one thousand eight hundred and thirty-one and one thousand eight hundred and thirty-two, and fifteen *per cent.* on the fifth of the arrears of tithe due by him for the year one thousand eight hundred and thirty-three: and such sum, calculated as aforesaid, shall be deemed and taken to be part of such compensation, and recoverable as well as the said addition therewith.

2 & 3 W. 4,
c. 119.

Chief land-
lord or lessor
of lands
chargeable
with compo-
sition for
tithes enti-
tled to un-
dertake pay-
ment of same
in terms of
recited act,
in preference
to others,
provided he
shall signify
his desire
within twelve
months after
passing of
this act.

XXVII. And whereas an act was passed in the last session of parliament, intituled *an act to amend three acts, passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishment of compositions for tithes in Ireland, and to make such compositions permanent*, whereby it was among other things enacted, that it should be lawful for any person having in possession any estate or interest in land charged or which may become chargeable with the payment of any composition for tithes, such person not being a tenant for any lesser term than a term of twenty-one years from the commencement thereof, and any such person was thereby empowered and entitled to agree for and undertake the payment of such composition, on the terms and in the manner and subject to the preference and other regulations in the said recited act of the last session of parliament contained: and whereas it was by the said last recited act further enacted, that the chief landlord or lessor seized of any rent and reversion in land charged or which might become chargeable with any such composition for tithes should be entitled to agree for and undertake the payment of such composition in preference to all other persons whatsoever, provided that such chief landlord or lessor should signify, in manner by the said last recited act provided and appointed, his desire so to do within six calendar months next after the passing of the said last recited act: and whereas the period by the said last recited act limited for the preference of such chief landlords or lessors has expired, and it is expedient that further time should be given to allow such chief landlords or lessors to take upon them the payment of such compositions; be it therefore enacted, that the chief landlord or lessor seized of any rent or reversion in land charged or which may become chargeable with any composition for tithes shall be entitled to agree for and undertake the payment of such composition on the terms and in the manner and subject to the regulations in the said last recited act contained, in preference to all other persons whatsoever, provided that such chief landlord or lessor shall signify, in manner by the said last recited act appointed, his desire so to do within twelve calendar months next after the passing of this act: provided always, that from and after the expiration of the period hereby limited for the preference of such chief landlords or lessors it shall and may become lawful for persons having estates or interests derived under such chief landlords or lessors, and not being tenants for any lesser term than a term of twenty-one years from the commencement thereof, to agree for and undertake the future payment of such compositions, on the terms, and in the manner, and subject to the preference among each other, and to the other regulations in the said recited act contained; and provided further, that nothing herein contained shall extend to disturb or invalidate any agreement or undertaking for the payment

of such compositions which may have been entered into before the passing of this act by any inferior landlord or lessor, nor to entitle any superior landlord to any preference in such cases: provided always, that if such chief landlord or lessor as aforesaid shall by writing under his hand and seal renounce his right to the said preference hereby given, then it may and shall be lawful for any other lessor to serve a notice, and undertake the duty and obligation and liability to payment, as he could have done by the said recited act or this act if the said twelve months had expired.

Existing contracts made by inferior tenants not to be disturbed.

XXVIII. And be it further enacted, that the receipt of rent, or the production of any lease made by any person claiming any preference under the said recited act or this act, shall be *prima facie* evidence of the estate or interest of such person, and that it shall not be necessary for any such person to produce the deed, grant, conveyance, or instrument creating such estate or interest; any thing in the said recited act contained to the contrary notwithstanding, unless in the case of any dispute as to such right of preference being referred to a master of the court of chancery, in manner by the said act provided, and in such case such master shall be at liberty to require the production of such deed, grant, conveyance, or instrument, or to receive such other evidence of the title and interest of such person as to him shall seem fit.

Production of title deeds dispensed with.

XXIX. And be it further enacted, that when any composition in any parish shall have been ascertained and fixed by a sole commissioner nominated by the said lord lieutenant, pursuant to the said recited act of the second year of his present majesty's reign, it shall and may be lawful for any seven or more persons in such parish, qualified in like manner as persons authorized to proceed in execution of the acts for the establishing of compositions for tithes in *Ireland* at any special vestry called in such parish are by such acts required to be qualified, at any time within two calendar months after the passing of this act, to require the churchwardens of such parish to summon a special vestry for the purpose of considering the propriety of appealing against the composition so established in such parish, on the ground of the amount of such composition; and such churchwardens shall cause public notice to be given in the usual manner of giving notices for holding vestries that a special vestry of persons qualified according to the directions of the said recited acts will be holden on some day to be named in such notice, being not less than seven days nor more than fourteen days from the first publication thereof, for the purpose aforesaid; and such vestry so assembled shall take such composition into consideration, and may adjourn from time to time to any day or days not more than ten days distant from the first day of meeting; and if at such vestry or any adjournment thereof it shall be determined to appeal against the composition established in such parish, such appeal shall be made to the said lord lieutenant in council, in the name of such vestry, on behalf of such parish; and the grounds of such appeal shall be stated in writing, and signed by the chairman of such vestry, and transmitted by him to the clerk of the privy council within two days after such meeting; and it shall be lawful for the said lord lieutenant and council to entertain every appeal so lodged

Appeal against composition made under act of last session on ground of excess in the amount.

as aforesaid, and for the determination thereof to examine into the nature of the agreements and adjudications or other evidence upon which such composition may have been calculated, and with regard thereto, at their pleasure and discretion, to make such order for the decreasing the amount of the composition stated in the certificate thereof as to such lord lieutenant and council shall seem fitting; and such certificate, and the amount of the composition ascertained thereby, and the entry of such certificate in the registry of the diocese, shall be altered and amended in such manner as shall be directed by such lord lieutenant and council.

Privy council may refer appeal to judge of assize or assistant barrister for his report

XXX. Provided, and be it enacted, that it shall and may be lawful for such lord lieutenant and council, if they shall so think fit, to refer the matter of such appeal to the next going judge of assize or to the assistant barrister of the county in which the parish shall be situate to which such appeal shall relate, with such directions as to his proceeding therein as to them shall seem meet; and such judge or assistant barrister shall, according to such directions, inquire in open court into the matter of such appeal, and report thereon to the said lord lieutenant and council, who shall, upon due consideration of such report, make such order in respect of the amount of such composition so appealed against as to them shall seem fit; and the certificate and entry thereof, and book of applotment, shall be amended as aforesaid, agreeably to such order.

If certificate of composition not yet laid before special vestry to be held for consideration thereof, such vestry when assembled may decide on appeal under this act as well as under former acts.

XXXI. Provided always, and be it enacted, that wherever the certificate of such sole commissioner, ascertaining and fixing the amount of any such composition, shall not have been received by the churchwardens of any parish within one calendar month after the passing of this act, then and in such case the propriety of appealing against such composition on the ground hereinbefore mentioned shall be determined upon at the special vestry to be holden, under the provisions of the said recited acts for establishing compositions for tithes in *Ireland*, for the consideration of such certificate; and it shall be lawful for such vestry to direct that appeal shall be made against such certificate on the ground hereinbefore mentioned, as well as on account of any thing contained in such certificate or omitted therefrom to the prejudice of such parish, as by the said acts provided; and in such case it shall not be lawful to hold any second special vestry for the consideration of the propriety of appealing against such composition on the ground hereinbefore mentioned; any thing herein contained to the contrary notwithstanding.

Costs on appeal.

XXXII. And be it enacted, that on the hearing and decision of any appeal which may be made under the provision of this act against any composition established by any sole commissioner as aforesaid, such costs as the said lord lieutenant, with the advice and consent of the said privy council, shall think fit to adjudge and direct, shall be paid to or by any party appealing or appealed against.

Pending appeal, proceedings for relief under this act suspended.

XXXIII. Provided, and be it further enacted, that no proceeding shall be taken upon any application for relief under this act in any case where any tithes payable under a composition shall be included in the memorial of the applicant, until the periods by this act and the said recited acts for establishing compositions for tithes respectively limited for making appeal against such composition shall have

expired; and in any case in which such appeal shall be made all such proceedings upon such application shall be suspended until the determination thereof; and upon such determination the memorial and schedule by which such application may have been made shall, if need be, be transmitted to the memorialist, to be by him amended and returned to the said lord lieutenant and council, if he shall so think fit; and upon the return of any such memorial and schedule all such proceedings as by this act directed in respect of any application for relief thereunder shall and may be taken in respect thereof, although the time limited by this act for the making applications for relief thereunder shall have expired: provided always, that such memorial and schedule shall be returned within six weeks after the same shall have been so transmitted to the memorialist.

XXXIV. And be it further enacted, that whenever, upon any appeal made under this act or any of the acts in force for establishing compositions for tithes in *Ireland*, the lord lieutenant and council shall make order for altering the amount of any composition or apportionment thereof, such order shall relate to and take effect from such time as such lord lieutenant and council shall think fit to declare; and the book of applotment shall in all such cases be altered and amended as such lord lieutenant and council shall direct.

If amount of composition altered, book of applotment to be altered also.

XXXV. And whereas by the acts now in force in *Ireland* for the establishing compositions for tithes such compositions are payable by two equal half-yearly payments, one on the first day of *May* and one on the first day of *November* in each year, and it is expedient that such compositions should be made payable by one yearly payment on the first day of *November* in every year; be it therefore enacted, that so much of the said acts as authorizes or directs the collection or levy of such compositions by two equal half-yearly payments, the one whereof to become due on the first day of *May* and the other on the first day of *November* in each and every year, shall be repealed, and that the amount of such compositions shall be collected and levied by one yearly payment which shall become due on the first day of *November* in each and every year, and which shall and may be recovered by all such ways and means as by the said recited acts provided for the recovery of any such half-yearly payment as aforesaid.

Tithe composition shall be henceforth payable by one yearly payment on the 1st day of November in each year.

XXXVI. And be it further enacted, that it shall and may be lawful for the said lord lieutenant to order and direct that any such sum or sums of money as he shall think necessary shall from time to time be advanced out of the produce of the consolidated fund arising in *Ireland* for the defraying of any expenses to be incurred in the carrying this act into execution, not exceeding the sum of two hundred pounds for carrying the same into execution in any one county; and that all such advances shall be made to such persons, at such times, in such manner, and under such rules and regulations, as shall from time to time be ordered and directed by such lord lieutenant, and as shall be signified in the usual manner by the chief secretary of such lord lieutenant, or in his absence by the under secretary; and that a certificate of the amount of the money so advanced for carrying this act into execution in each county,

Lord lieutenant may order advance of money not exceeding £200 from consolidated fund for executing this act in any county; to be repaid by grand jury presentment.

under the hand of such chief secretary or under secretary, shall be sent to the treasurer of the county for which such money shall have been so advanced; and such treasurer shall lay such certificate before the grand jury of such county at the next assizes; and such grand jury shall and they are hereby required to present the amount stated in such certificate to be raised off such county in the same manner as any money presented by any grand jury may by law be raised therefrom; and it shall not be lawful for the court at any such assizes to fiat any presentment for raising any other money until such presentment for the repayment of such advances be first made and allowed; and whenever the amount stated in such certificate shall be levied, the same shall be paid over to the collector of excise of the district (or in such other manner as the commissioners of the treasury shall direct), and the monies so arising shall be applied to replace the sums so advanced out of the said consolidated fund.

Lord lieutenant may appoint barristers of six years' standing to preside at special sessions under this act.

XXXVII. And be it further enacted, that it shall be lawful for the said lord lieutenant of *Ireland*, at his discretion, to appoint, by warrant under his hand, for the duty of presiding at the special sessions to be held under the provisions of this act in any county, any barrister or barristers of not less than six years' standing at the *Irish* bar, to be assistant to or deputies of the assistant barrister or chairman; and that all the powers, duties, and authorities given or imposed by this act to or upon any assistant barrister or chairman are and shall be by virtue of such warrant given to and imposed upon such assistants or deputies; and that all acts to be done by such deputies or assistants shall be of the same efficacy in law as if done by the assistant barrister or chairman upon whom such duties would have otherwise devolved under this act; and that all such and the like fees as would have been payable to any such assistant barrister or chairman at any special sessions under the provisions of this act shall be paid and payable, for his own use, to the deputy or assistant who may by virtue of such warrant preside at such special sessions; and it shall and may be lawful for the said lord lieutenant to grant to any barrister acting under any such warrant such remuneration, in addition to the amount of fees so received by him, as such lord lieutenant shall think fit, but so that the amount of such fees, together with such additional remuneration, shall not in the whole exceed five guineas for each day during which he may be so employed, over and above his travelling or other expenses; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the said lord lieutenant a statement of the amount of such fees, and of the number of days during which he shall have been employed, and an account of the travelling and other expenses incurred by him in respect of such employment, and such lord lieutenant shall make an order for the amount to be paid to such barrister out of the consolidated fund.

All proceedings under this act exempt from stamp duty.

XXXVIII. And be it further enacted, that no stamp duty shall be paid or chargeable upon any proceeding, order, copy, instrument, document, receipt, or other matter or thing occurring, used in, or occasioned by any proceeding under this act; any other act or acts, or any law or usage, to the contrary hereof notwithstanding.

XXXIX. And be it further enacted, that if any person or persons who shall make or take any oath or affidavit under or in pursuance of the provisions of this act, and therein wilfully or knowingly swear or answer falsely to any matter or thing, every such person, being duly convicted thereof, shall incur and suffer such penalties, pains, and disabilities as persons convicted of wilful and corrupt perjury are by law liable to.

Persons who swear falsely shall suffer as for perjury.

XL. And be it enacted, that the words "lord lieutenant" or "lord lieutenant of *Ireland*," wheresoever used in this act, shall extend to and include any lords justices or other chief governor or governors of *Ireland* for the time being; and the words "commissioners of the treasury" shall be construed to mean any three or more of such lords commissioners of his majesty's treasury, or the lord high treasurer of the united kingdom of *Great Britain* and *Ireland*, and whenever such officer there shall be; and the words "any person entitled to any tithes" shall be construed to extend to and include all ecclesiastical persons, and bodies corporate, sole, or aggregate, lay or ecclesiastical or collegiate, and all incumbents of parishes whether rectors, vicars, or curates, and all impropriators and appropriators, and every person or persons whomsoever being the owner or owners of or entitled in any manner whatsoever, at law or in equity, in his, her, or their own right, or as trustees, devisees, personal representatives, lessees, or otherwise, to any tithes or portion or portions of tithes, or composition established in lieu of tithes, or portion or portions of such composition; and the word "tithes" shall extend and be applied to any composition for tithes or portion of tithes, or portion of a composition for tithes, as well as to tithes; and the word "composition" shall extend and be applied to any portion or portions of a composition as well as to a composition; and the word "county" shall extend and be applied to any riding, county of a city, or county of a town as well as a county at large; and the word "parish" shall extend and be applied to any extra-parochial place or places separately chargeable with any composition for tithes as well as to a parish; and wheresoever the word "landlord" or "person" or "memorialist" is used in this act, the provision shall extend to and include the heirs, executors, administrators, or assigns of such landlord or person or memorialist; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male, save and except where in the use of any of the words or expressions aforesaid the nature of the provision or the context shall exclude such construction.

Interpretation of words and expressions in this act.

XLI. And be it enacted, that this act may be amended, altered, or repealed by any act or acts to be passed in the present session of parliament.

Act may be altered this session.

5 & 6 WILLIAM 4, CAP. 79.—*An act to suspend, until after the sixth day of April one thousand eight hundred and thirty-six, proceedings for recovering payment of certain instalments of the money advanced under the acts for establishing tithe compositions in Ireland.*—Whereas by an act passed in the third and fourth years of his majesty's reign, intituled *an act for the relief of the owners of tithes*

3 & 4 W. 4, c. 100.

in Ireland, and for the amendment of an act passed in the last session of parliament, intituled an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent, it is amongst other things enacted, that it should be lawful for any person entitled to any tithes arising out of lands in Ireland, for the years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, or one thousand eight hundred and thirty-three, to make application to the lord lieutenant, praying relief, under the said act, in respect of such tithes; and it is further enacted, that such application should be made by a memorial, with a schedule thereto annexed, setting forth such particulars as in the said act are in that behalf mentioned; and it is by the said act further enacted, that the said memorial and schedule, amended as therein is mentioned, should be transmitted in manner therein mentioned to the lord lieutenant, who should thereupon authorize and direct such sum to be advanced to such memorialist as should appear by the said memorial and schedule to be due and owing to him on account of the tithes therein included; and it is hereby further enacted, that the said lord lieutenant should cause every such original memorial and schedule, together with a certificate under his hand of the amount of the advances so made to the memorialist, to be lodged in the office of the remembrancer of the court of exchequer in Ireland, and that the amount stated in each such certificate to have been so advanced should be repaid by five equal instalments, the first thereof to be made on the first day of November one thousand eight hundred and thirty-four, and one of the four remaining instalments on the first day of November in each of the succeeding four years, in the manner and subject to the conditions recited in the said act: and whereas under the powers contained in the said act advances to a large amount have been made to parties entitled to tithes arising out of lands in Ireland, for the said years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-three: and whereas it may be expedient not to enforce immediate payment, from the parties to whom such advances have been made, of the several instalments which became due from them on the first day of November one thousand eight hundred and thirty-four, and which will become due on the first day of November one thousand eight hundred and thirty-five; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the lords commissioners of his majesty's treasury, if it shall seem to them expedient so to do, to delay or suspend the institution or prosecution of any proceedings for recovery or enforcing payment of any such instalments as aforesaid until after the sixth day of April one thousand eight hundred and thirty-six.

Lords of treasury may suspend proceedings for recovery of instalments until 6th April, 1836.

6 & 7 WILLIAM 4, CAP. 95.—*An act to suspend, until the sixth day of April one thousand eight hundred and thirty-seven, proceedings for recovering payment of the money advanced under the acts for estab-*

lishing tithe compositions in Ireland.—Whereas by an act passed in the third and fourth years of his present majesty's reign, intituled *an act for the relief of the owners of tithes in Ireland, and for the amendment of an act passed in the last session of parliament, intituled an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent*, it is amongst other things enacted, that it should be lawful for any person entitled to any tithes arising out of lands in *Ireland*, for the years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, or one thousand eight hundred and thirty-three, to make application to the lord lieutenant praying relief under the said act in respect of such tithes; and it is further enacted, that such application should be made by a memorial, with a schedule thereto annexed, setting forth such particulars as in the said act are in that behalf mentioned; and it is by the said act further enacted, that the said memorial and schedule amended as therein is mentioned should be transmitted in manner therein mentioned to the lord lieutenant, who should thereupon authorize and direct such sum to be advanced to such memorialist as should appear by the said memorial and schedule to be due and owing to him on account of the tithes therein included; and it is thereby further enacted, that the said lord lieutenant should cause every such original memorial and schedule, together with a certificate under his hand of the amount of the advances so made to the memorialist, to be lodged in the office of the remembrancer of the court of exchequer in *Ireland*, and that the amount stated in each such certificate to have been so advanced should be repaid by five equal instalments, the first thereof to be made on the first day of *November* one thousand eight hundred and thirty-four, and one of the four remaining instalments on the first day of *November* in each of the succeeding four years, in the manner and subject to the conditions recited in the said act: and whereas, under the powers contained in the said act, advances to a large amount have been made to parties entitled to tithes arising out of lands in *Ireland*, for the said years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-three: and whereas it may be expedient not to enforce immediate payment from the parties to whom such advances have been made of the several instalments which became due from them on the first day of *November* one thousand eight hundred and thirty-four and on the first day of *November* one thousand eight hundred and thirty-five: and whereas by an act passed in the fifth and sixth years of his majesty's reign intituled *an act to suspend, until after the sixth day of April one thousand eight hundred and thirty-six, proceedings for recovering payment of certain instalments of the money advanced under the acts for establishing tithe compositions in Ireland*, it was enacted that it should be lawful for the lords commissioners of his majesty's treasury, if it should seem to them expedient so to do, to delay or suspend the institution or prosecution of any proceedings for recovery or enforcing payment of any such instalments as aforesaid until after the sixth day of *April* one thousand eight hundred

3 & 4 W. 4,
c. 100.

5 & 6 W. 4,
c. 79.

Powers vested in the treasury by last recited act revived. Repayment of instalments postponed.

Proviso.

The treasury not to stop proceedings for recovery of instalments in certain cases.

Act not to extend to instalments due from lay impropriators.

Proceedings not to be stopped where parties refuse information.

Account and statement to be laid before parliament.

and thirty-six: and whereas it is expedient to make further and other provisions with respect to the recovery of the said instalments and of the instalments which will become due and payable on the first day of *November* one thousand eight hundred and thirty-six: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the powers and authorities vested by the said last recited act in the commissioners of his majesty's treasury shall be and the same are hereby revived and continued; and that it shall be lawful for the said commissioners or any three or more of them to delay or suspend the institution or prosecution of any proceedings for recovery or enforcing payment of any of the said instalments already become due or to become due on the first day of *November* one thousand eight hundred and thirty-six until and after the sixth day of *April* one thousand eight hundred and thirty-seven: provided always, that the institution or prosecution of such proceedings shall not be delayed or suspended under the authority of this act in any case in which the parties applying for such delay or suspension have received the whole or the greater part of the tithe due to them respectively for the years one thousand eight hundred and thirty-four and one thousand eight hundred and thirty-five.

II. And be it further enacted, that it shall not be lawful for the commissioners of his majesty's treasury to suspend or delay the institution or prosecution of any proceedings for the recovery of the said instalments in any case in which, either by act of law or the undertaking of the parties, the said instalments have become due and payable by the owner or landlord, and have ceased to be payable to the tithe owner by the tenant in possession.

III. Provided always, and be it further enacted, that the provisions of this act shall not extend or be construed to extend to the case of any instalment due by any lay impropriator, to whom advances were made under the authority of the act of the third and fourth years of his majesty's reign, in respect of tithes chargeable upon lands the estate and property of the said impropriator.

IV. And be it further enacted, that the institution or proceedings for the recovery of such instalments shall not be delayed or suspended in any case in which the parties shall neglect or refuse to furnish to the satisfaction of the commissioners of his majesty's treasury such information as the said commissioners shall require for the purpose of enabling them to decide how far it may be expedient to delay or suspend the institution of such proceedings.

V. And be it further enacted, that an account shall be laid before both houses of parliament, within ten days after the fifth day of *April* one thousand eight hundred and thirty-seven, of all sums recovered in respect of any of the said instalments, accompanied by a statement of the several cases in which, under the power and authority vested in them by this act, the commissioners of his majesty's treasury have delayed or suspended the institution or prosecution of proceedings for the recovery of the said instalments, or any of them.

1 VICTORIA, CAP. 58.—*An act to revive and continue, until the sixth day of April one thousand eight hundred and thirty-eight, an act*

of the last session of parliament, for suspending proceedings for recovering payment of the money advanced under the acts for establishing tithe compositions in Ireland. 6 & 7 W. 4, c. 95.

1 & 2 VICTORIA, CAP. 109.—*An act to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof.*—Whereas it is expedient to abolish compositions for tithes in *Ireland*, and in lieu thereof to substitute rent charges payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable allowance being made for the greater facility and security of collection arising out of such transfer of liability from the occupiers to the owners of lands: be it therefore enacted, by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the right of all persons in and to all tithes or compositions for tithes heretofore accrued or at any time hereafter to accrue due in *Ireland* shall wholly cease and determine; provided that nothing herein contained shall extend to any arrears of compositions heretofore accrued due and payable to or by any person entitled to the receipt or bound to the payment of the same by virtue of any such certificate of agreement as is mentioned in an act passed in the second and third year of his late majesty's reign, intituled *an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent*; and provided further, that nothing herein contained shall extend to any compositions for tithes the right whereto may be vested in her majesty under the provisions hereinafter following, nor to any tithes or composition for tithes for the recovery whereof any suit, action, or other proceeding shall have been commenced previous to the sixteenth day of *July* in this present year in any court of law or equity, but that the plaintiff may either prosecute such action or other proceeding, or discontinue or dismiss the same without payment of costs, at his option; and if he shall think fit to discontinue or dismiss the same, and if such tithes or compositions for tithes shall have accrued due for the years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, or one thousand eight hundred and thirty-seven, or any of them, then and in such case he shall be entitled to the like relief as other persons entitled to tithes or compositions for tithes for those years may have under the provisions of this act.

II. And whereas by an act made in the third and fourth years of the reign of his late majesty, intituled *an act for the relief of the owners of tithes in Ireland, and for the amendment of an act passed in the last session of parliament, intituled an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent*, the persons from time to time entitled to the receipt of any composition for tithes to which the memorialist who received any advance under authority of the said act was then entitled, or which has been established in lieu of the tithes to which

Compo-
sitions for
tithes
abolished.

Nottoextend
to arrears of
compositions
under 2 & 3
W. 4, c. 119,
nor to com-
positions for
tithes the
right where-
to may be
vested in her
majesty;

nor to pend-
ing suits.

In case of
discontin-
uance of suits.

Not to affect
the provi-
sions of 3 & 4
W. 4, c. 100,
except as
herein con-
tained.

such memorialist was entitled, were made liable to the repayment, by five annual instalments, of the advances so made, and the persons so from time to time liable to the payment of such instalments were authorized to recover, together with and in addition to the compositions payable to them, certain sums directed by the said act to be added to and made payable therewith: and whereas four of the said annual instalments have accrued due, and the fifth of such instalments will fall due on the first day of *November* in this present year: and whereas only a small proportion of the said instalments so accrued due have been paid, and proceedings for the recovery of the same have been from time to time suspended by the authority of parliament, and it is expedient that payment of the said instalments shall be remitted, but only under certain circumstances, to be shown by the parties liable to the payment of such instalments: and whereas by reason of the hereinbefore contained enactment extinguishing the right of all persons to compositions for tithes it is necessary to make special provision, saving the right to such instalments, and to the sums so added to the said compositions, and payable to the persons liable to such instalments; be it therefore enacted, that the several persons who would have been entitled to the receipt of the said composition for tithes if this act had not been passed shall be and remain liable to the queen's majesty for the repayment by instalments of the advances made under authority of the hereinbefore recited act of the third and fourth year of the reign of his late majesty, and that the said hereinbefore contained enactment extinguishing the right to compositions for tithes accrued or to accrue due shall not be taken to extend to the additions by the said act made to such compositions, but that the several sums directed by the said act to be added to and made payable, together with and in addition to the said compositions, shall be payable to and recoverable by the persons who would have been entitled to the said compositions by and from the persons who would have been liable to the payment of such compositions, if this act had not been passed, as if such sums had been by the said act made separately payable and recoverable as compositions for tithes; and that, save as aforesaid, all and every the provisions in the said act contained in any way relating to the recovery of such instalments and sums, or enabling any person liable to the payment of such compositions to recover against any person any sum whatsoever on account of such liability, shall, subject to the provisions hereinafter contained, remain in full force and effect as if the right to the said compositions were still subsisting.

Persons
liable to
payment of
instalments
may apply
for remission
by memorial
to the lord
lieutenant,
who may re-
fer the same
for investi-
gation, and
upon report
thereof remit
the whole or
part thereof.

III. And be it enacted, that it shall and may be lawful for any person liable to the payment of any of the said instalments now due and unpaid, or who may be liable to the payment of any instalment which shall become due on the first day of *November* in this present year, to apply by memorial to the lord lieutenant of *Ireland*, describing the character in which he may be so liable, and stating what, if any, of the compositions, together with and in addition to which any sums were made payable in respect of the advances repayable by such instalment under the said recited act, may at or previous to the passing of this act, or would at the time of such instalments falling due, be, if this act had not been made, payable by persons

being both the owners and occupiers of the lands charged with such compositions, and also stating what, if any, of the said sums so added to such compositions have been received by the memorialist, and praying that the whole or any part of such instalment may be remitted; and the said lord lieutenant in council shall refer each such memorial to such person or persons as he may think proper, who shall require the memorialist to prove before him or them the several matters and things stated in such memorial by such evidence as the nature of the case may admit, and shall investigate the facts and circumstances by all such ways and means as he or they shall think fit, subject to such rules and directions as the said lord lieutenant of *Ireland* in council shall from time to time subscribe, and shall report thereon to the said lord lieutenant in council, who shall thereupon have power and authority, as hereinafter directed, to remit the whole or any part of such instalment, and the clerk of the council shall certify the same to the commissioners of the treasury; and if they shall remit the whole of such instalment, the said commissioners of the treasury shall direct satisfaction thereof to be duly entered and recorded in the proper office of the exchequer; and if they shall remit only a part of such instalment, the said commissioners of the treasury shall direct satisfaction of the whole to be duly entered and recorded upon payment of the residue of such instalment.

IV. And be it enacted, that it shall be lawful for such person or persons to whom any such memorial may be referred to examine upon oath or affirmation (which oath or affirmation he or they is or are hereby authorized to administer) any person willing to be examined touching any matter or thing relating to the subject of such reference, and also to receive any affidavit or deposition in writing upon oath or affirmation made before any justice of the peace (and which any such justice is hereby authorized to administer.)

Person to whom memorial is referred may examine on oath, and receive affidavits.

V. Provided always, and be it enacted, that the said lord lieutenant in council shall remit every such instalment as aforesaid, unless the same shall be found to be due by any lay impropriator in respect of advances made on account of any tithes or compositions for tithes charged upon lands the estate and property of such impropriator, or unless the person liable to such instalment shall be found to have received the whole or some part of the sums so added to the said compositions, or unless the whole or some part of the sums so added to the said compositions shall be found to be payable by persons being both the owners and occupiers at the same time of the lands charged with such compositions: and in the two last mentioned cases the said lord lieutenant and council shall remit so much but no more of such instalment as shall be equivalent to the sums so added to the said compositions, and which shall not have been received by the person liable to such instalment, or shall not be payable by persons being both the owners and occupiers at the same time of the lands charged with such compositions; and the decision of the said lord lieutenant in council shall be final and conclusive of the right of any memorialist to the remission of the whole or any part of any instalment under this act.

Cases in which instalments shall not be remitted.

VI. And be it enacted, that in any case where the said lord lieutenant in council shall remit the whole of any such instalment it

In case of the remission of the whole

or part of any instalment, the sums added to the composition shall be also remitted, unless due by undertaking landlords or persons liable to rent charge.

shall not be lawful for the person so relieved from his liability thereto to sue for or recover any sum added to the said compositions in respect of the advances on account whereof such instalment was made payable; and in any case when the said lord lieutenant in council shall remit a part of any instalment it shall not be lawful for the person so relieved to sue for or recover any such sum so added to the said compositions from or against any person other than a person being both the owner and occupier of the lands charged with the said compositions; and all and every other the persons liable to the payment of any sum added to the said compositions, or payable in respect of such additional sums under the provisions of the said recited act of the third and fourth year of his late majesty's reign on account of advances thereunder, shall, in the event of the remission of the whole or any part of the instalment payable on account of such advances, be and they are hereby exonerated and discharged from the payment thereof, without prejudice nevertheless to any payment heretofore made under the provisions of the said recited act.

All lands subject to the payment of tithe compositions charged with an annual sum by way of rent charge equal to three-fourths of such compositions to be payable by the party having the first estate of inheritance, &c. in such lands.

VII. And be it enacted, that every parcel of land charged with or in respect whereof the said tithe compositions or any applotment or assessment thereof would have been payable if this act had not been passed shall be and become severally liable to and charged with the payment of an annual sum or rent charge equal to three fourths of the annual amount of such tithe compositions, and that such rent charges shall, except as hereinafter excepted, be payable by the party having in such lands respectively the first estate of inheritance, or other estate or interest equivalent to a perpetual estate or interest as hereinafter defined, under which or derived wherefrom there shall be no such perpetual estate or interest, according to the quantity of such lands comprised in each such estate or interest; provided always, that any landlord who shall have undertaken the payment of any composition for tithes under the provisions of the hereinbefore recited act of the second and third years of the reign of his late majesty shall, for and during the continuance of his estate and interest in the lands charged with the rent charge payable in lieu of such composition, be liable to the payment of such rent charge, provided he has an estate not less than an estate of inheritance in such lands; and that such rent charges shall take effect from the first day of *November* last past, and that the first payment of such rent charges shall become due on the first day of *November* in this present year, and be then paid by one entire payment; and that the said rent charges accruing due in each succeeding year shall be payable by two equal half yearly payments, one whereof to become due on the first day of *May*, and the other on the first day of *November*, in each such year: provided always, that although such tithe compositions may have been separately applotted or assessed upon different portions of such lands, the lands comprised in each such estate or interest shall be charged with the annual payment as aforesaid of one entire sum or rent charge equal to three fourths of the gross annual amount of such several applotments or assessments: provided also, that the amount of such rent charges shall be computed on the gross amount of such tithe com-

One entire sum to be charged on each estate although lands separately applotted.
Rent charges to be computed on the gross amount

positions as stated in the certificates and applotment books thereof respectively, without regard to the deduction of fifteen pounds *per centum* claimable by persons undertaking the payment of such tithe compositions under the provisions of the above recited act of the second and third years of his late majesty's reign : provided always, that all certificates and applotment books of such compositions shall be deemed and taken as valid and effectual for the purpose of ascertaining the rent charges to be paid in lieu thereof, save so far as the same may be varied in pursuance of the provisions in this act, in which case the rent charge shall be ascertained by such amended certificate or applotment book.

Ascertaining
rent charges.

VIII. And be it enacted, that any estate or interest held under any deed or instrument containing any provision, contract, or covenant for the perpetual renewal thereof, and any estate or interest held for any term of years, whereof at least one hundred shall be to come and unexpired on the thirtieth day of *October* in this present year, and any estate held by lease or demise immediately from and under any archbishop, bishop, or other ecclesiastical person, in any lands belonging to the see or other spiritual promotion or dignity of such archbishop, bishop, or other ecclesiastical person, or under the ecclesiastical commissioners for *Ireland*, being parcel of the lands vested or which may become vested in them under the provisions of an act made in the third and fourth years of the reign of his late majesty, intituled *an act to alter and amend the laws relating to the temporalities of the church in Ireland*, shall be deemed and taken to be, for all purposes relating to the said rent charges, equivalent to a perpetual estate or interest; and that each tenant in dower or tenant by courtesy, and each person having, under the limitations of any settlement by deed, will, act of parliament, or otherwise, any estate for life or other particular estate thereby created or limited, out of or in any estate of inheritance, or out of or in any such equivalent estate as hereby defined, shall be, during such his interest, liable to the payment of such rent charge as fully to all intents and purposes as if he were seized of or entitled to the whole estate in such inheritance or perpetual interest.

What shall
be deemed
equivalent to
an estate of
inheritance
or perpetual
estate.

3 & 4 W. 4,
c. 37.

IX. And be it enacted, that where by the laws now in force in *Ireland* any person shall be entitled to hold and occupy under any lease or demise the lands thereby demised free from the payment of tithes or composition of tithes, he shall not be liable to the payment of the said rent charge, but the party having in such lands the first estate of inheritance, or other equivalent estate or interest as before described, expectant or in reversion, and who would not be entitled to a like exemption under the laws aforesaid, shall be liable to such payment: provided always, that in case of the forfeiture, surrender, or other determination of any estate or interest, the owner whereof may be liable to the payment of such rent charge as aforesaid, the party having the first estate of inheritance or other equivalent estate or interest as before described, in remainder or reversion, shall become liable to the said payment of such rent charge: provided also, that in case of any such devolution of interest, no more than the amount of one year's arrear of rent charge shall be a charge on the lands subject to the payment of such annual rent charge.

Leasehold
estates now
tithe free
not liable to
rent charge.

On determi-
nation of any
estate
chargeable
with rent
charge, the
next estate
shall become
chargeable.

If any person who would have been liable to tithe composition hold mediately or immediately under the person liable to such rent charge, the amount of such rent charge may be recovered as rent from the next tenant, and so downwards to the person primarily liable.

X. And be it enacted, that whenever any person who would have been liable to the payment of any composition for tithes if this act had not been made shall hold the lands in respect whereof such composition for tithes would have been so payable as lessee or sub-lessee under a person liable to the payment of such rent charge as aforesaid in respect of the same lands, then and in such case an annual sum equal to the amount of such rent charge shall be from time to time payable to the person so liable to the payment of such rent charge by the next immediate lessee holding under him, such sum to become first due on the first day of *November* in this present year, and to be then payable by one entire payment, and the like annual sum thereafter in every succeeding year, to be payable at such times and by such quarterly or half-yearly or yearly payments as the rent due and payable by such lessee may be reserved and made payable, and together therewith, and subject to all the like incidents, in like manner, to all intents and purposes, as if such sum had been mentioned in the same lease, instrument, or demise, and expressly reserved and made payable thereby; and the person liable to such rent charge as aforesaid shall have such and the like remedies to enforce payment of such sum by distress, ejectment, or re-entry, or by action of debt, covenant, or otherwise, as he may have to enforce payment of the rent reserved by such lease, instrument, or demise; and the said next immediate lessee, in case he himself would not have been liable to the payment of such tithe compositions as aforesaid, shall be in like manner and by all such and the like remedies entitled to receive and recover of and from his immediate sub-lessee such annual sum from time to time accruing due and payable, and so on, each lessee recovering from his sub-lessee downwards to the person who would have been primarily liable to the payment of such tithe compositions if this act had not been made: provided always, that in the case of the land being divided among several lessees or sub-lessees, each of them shall be liable to the payment of no greater portion of such annual sum than may from time to time become due and payable in respect of the land which such lessee or sub-lessee, or any other person with him jointly, may hold: provided also, that where any person would have been liable, under the provisions of any law now in force in *Ireland*, to make payment of any composition to any landlord or person entitled to the receipt of the same by virtue of any certificate of agreement as is mentioned in the hereinbefore mentioned act of the second and third year of his late majesty's reign, such person liable to make payment of such composition to the person entitled thereto by virtue of such certificate shall be deemed to be within the meaning of this act the person primarily liable thereto; and where the lessee or occupier of any lands may be entitled to deduct out of the rent payable by him to his landlord the amount of any composition, such landlord shall be deemed to be within the meaning of this act the person primarily liable thereto.

Such leases, &c. of tithes as have now the effect of suspending compositions

XI. And be it enacted, that in any case where the effect of any composition may be by any law now in force suspended in consequence of any lease of tithes, or agreement in writing respecting the same, every such lease or agreement having such effect as afore-

said, but none other, shall from and after the passing of this act wholly cease and determine, but without prejudice to the recovery of any sum heretofore accrued due by virtue thereof; and the lands which would, if this act had not been made, have upon the termination of such lease or agreement become subject to the payment of any composition for tithes, shall be and become severally charged with an annual sum or rent charge equal to three fourths of the amount of such composition, and an annual sum equal in amount to such rent charge shall become payable to the persons from time to time liable to the payment of such rent charge, and to their lessees and sub-lessees, in like manner as hereinbefore provided in cases where the effect of such compositions shall not have been suspended as aforesaid: provided nevertheless, that if any payment on account of this present year shall previous to the passing of this act have accrued due by virtue of or under such lease or agreement, the amount thereof shall be deducted from the rent charge accruing due on the first day of *November* in this present year, and the residue only shall be then payable.

XII. And whereas by an act passed in the fourth year of the reign of his majesty king *George* the fourth, intituled *an act to provide for the establishment of compositions for tithes in Ireland for a limited time*, it was enacted, that whenever under the provisions of that act any composition should be made for tithes payable in any parish, every person who should afterwards set, let, or demise any land lying within such parish at a rack rent should make such lease or demise free from the payment of tithes during the continuance of such composition; and that in such case it should be lawful for the lessee or occupier of such land, and every such lessee or occupier was thereby required, to pay the amount of such composition to the person entitled thereto; and that it should be lawful for such lessee or occupier of such land to deduct the amount of all such payments from time to time out of the amount of rent payable by such lessee or occupier of such land to his immediate landlord; and it was further enacted by the said recited act, that in case such composition should cease and determine at any time during the continuance of such lease, the rent reserved in such lease should be reduced in amount by a sum equal to the amount of such composition: and whereas in such cases of land set, let, or demised at a rack rent in any parish at any time after the establishment of a composition for tithes therein the amount of such composition has by reason of the said recited enactments been added to and made payable together with and as part of the rent, and it is just and reasonable that such rent should be reduced to the extent of the reduction made under this act in converting the said composition into a rent charge; be it therefore enacted, that in case of any lease made at a rack rent, at any time after the establishment of a composition for tithes in any parish, of lands subject to the payment of such composition, the rent reserved upon and made payable in and by any such lease shall be reduced by a sum equal to the difference between the amount of the composition heretofore payable in respect of such lands and the amount of the rent charge which will under the provisions of this act become payable in lieu thereof, and that the party from time to

shall deter-
mine, and
none other.

Where leases
at rack rent
have been
made after
the estab-
lishment of
any compo-
sition in pur-
suance of
4 G. 4, c. 99,
the rents
shall be re-
duced in pro-
portion to
the differ-
ence between
such compo-
sition and
the rent
charge pay-
able under
this act.

time liable to the payment of such rent shall be entitled to deduct the amount of such difference accordingly: provided always, that, subject to such reduction, such rent shall remain payable, and the lessor, his heirs, executors, administrators, and assigns, shall have the like remedies for the recovery thereof as if the said tithe compositions were not by this act determined.

Composi-
tions for
tithes made
under 2 & 3
W. 4, c. 119,
may be ap-
pealed
against.

XIII. And whereas in cases where the said compositions for tithes have been established by a sole commissioner appointed by the lord lieutenant, in pursuance of an act passed in the second and third years of the reign of his late majesty king *William* the fourth, intituled *an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent*, it is just and expedient, with a view to a final and satisfactory settlement of the amount of the said compositions for tithes, and the rent charges payable in lieu thereof, that appeals should be allowed within a limited time against the certificates of such compositions where the amount thereof may have been unduly affected by fraud or concealment; be it therefore enacted, that it shall and may be lawful for any person or persons in any parish who would have been, in case this act had not been made, individually or collectively liable to the payment of more than one half of the amount of the whole composition established in and for such parish, whether the several sums payable by him or them respectively shall be or may have been payable to any party entitled to the receipt of any composition, or to any landlord who may have taken upon him the payment of such composition, at any time before the first day of *October* next to appeal to the lord lieutenant of *Ireland* in council in behalf of such parish against the certificate of such composition, in like manner as by the said act of the second and third years of his said late majesty king *William* the fourth, and the acts therein recited, an appeal might have been made by direction of the vestry of the parish within the time thereby limited, and the grounds of such appeal shall be stated in writing and signed by such person or persons, and lodged with the clerk of the privy council before the said first day of *October*, and in like manner it shall be lawful for any person who would have been, in case this act had not been made, entitled to any composition for tithes, before the said first day of *October*, to appeal to the said lord lieutenant in council against such certificate in like manner as by the said last mentioned acts such appeals might have been made within the time thereby limited; and notice of every such appeal shall be posted on the church door or usual place of posting notices of application of grand jury presentments in the barony or half barony in which the parish to which such application may refer is situate, and once inserted by or on behalf of the appellant party in some newspaper circulating within such parish within ten days next after such appeal shall have been lodged with the clerk of the privy council: provided always, that where the effect of any composition may have been suspended previous to the passing of this act by virtue of any lease or agreement in writing, the owners and occupiers of any lands upon which collectively a sum exceeding one half of

the amount of such composition may have been applotted shall be deemed and taken to be qualified within the meaning of this act to make such appeal.

XIV. And be it enacted, that every such appeal shall be heard and determined, and an order made thereupon for confirming or for decreasing or increasing or modifying the amount of such composition, in like manner as is provided by the said last mentioned act with respect to appeals thereby authorized to be made against such certificates; and all the enactments and provisions contained in the same act relating to the appeals thereby authorized to be made against such certificates, and the costs thereof, shall extend and be applied to appeals authorized by this act, and the costs thereof, except so far as the same are repugnant to the provisions of this act: provided always, that no order shall be made on any such appeal, otherwise than for confirming the composition stated in the certificate, unless it shall be proved that some fraud, concealment, misrepresentation, or circumvention was practised by or on the part of some party interested in such composition, whereby the commissioner may have been deceived, or whereby the knowledge of any fact or facts which was or were essential to enable the commissioner to make a just decision was withheld from him, and whereby the amount of such composition was unduly affected: provided also, that when an appeal from any certificate of composition has before the passing of this act been decided upon the merits by the lord lieutenant in council, or by any judge of assize, no further appeal relating thereto shall be made by virtue of this act.

Appeals to be heard in the manner provided by 2 & 3 W. 4, c. 119; but no order to be made, except for confirming the composition, unless fraud, concealment, or misrepresentation affecting the amount of composition be proved.

XV. And be it enacted, that it shall be lawful for any person or persons in any parish who would have been, in case this act had not been made, individually or collectively liable to the payment of more than one-fourth of the amount of the whole composition established in and for such parish, whether the several sums payable by him or them respectively shall be or may have been payable to any party entitled to the receipt of any composition, or to any landlord who may have taken upon him the payment of such composition, to apply to the said lord lieutenant in council, praying the amendment of the applotment of any composition, and such application shall be made by memorial, to be lodged at any time before the first day of *October* next with the said clerk of the council, and notified by public advertisement and otherwise, in like manner as appeals against certificates of compositions; and if by any such memorial it shall be made to appear to the satisfaction of the said lord lieutenant in council that any such applotment of such composition is defective or unjust, or does not with sufficient precision ascertain the lands and holdings in respect whereof the said rent charges will be payable, it shall and may be lawful for the said lord lieutenant in council to direct such applotment to be amended, and for that purpose to appoint some one or more skilful person or persons, who shall therein have and exercise the like powers, privileges, and authorities, and observe the several regulations in the said acts for establishing compositions of tithes expressed and contained, but subject nevertheless to such instructions and directions as the said lord lieutenant in council shall prescribe for the avoiding any defect or uncertainty to which

Lord lieutenant may cause applotments to be amended.

Power to apply for the making of an applotment where none shall have been made.

the original applotment may have been liable; and such amended applotment shall be returned to the clerk of the said council, attested under the hand of the person or persons making the same, and the original book of applotment shall be amended under the direction of the said lord lieutenant in council accordingly; and such amended book of applotment shall be in the place and stead of the said original book of applotment, and be valid and effectual to all intents and purposes for which the said original book of applotment would have been valid and effectual, but in the meantime such original book shall be in full force and effect; and in every case in which no applotment shall hitherto have been made it shall be lawful for any such persons as are hereinbefore authorized to apply for the amendment of any applotment to apply for the making of such applotment, in like manner and within the like period as is hereinbefore provided with respect to memorials for the amendment of any applotment; and in every such case it shall and may be lawful for the said lord lieutenant in council to appoint one or more skilful person or persons to make such applotment, who shall therein have and exercise the like powers, privileges, and authorities, and observe as far as may be the like regulations, as are given and directed to be observed by the said acts for establishing compositions of tithes; and the said lord lieutenant shall cause to be paid to the person or persons employed for the purposes aforesaid such remuneration as he shall think reasonable, and the expenses thereof shall be repaid by grand jury presentment, on or off the parish in which such expenses shall have been incurred; and a certificate of the amount so expended in respect of each such parish shall be transmitted under the hand of one of the joint or assistant secretaries of the commissioners of the treasury to the treasurer of the county in which such parish may be situate; and such treasurer shall insert the sum specified in such certificate in his warrant for the collection of the money to be raised and levied off such parish by presentment of the grand jury at the assizes next succeeding, and such sum shall be applotted (if need be by a separate applotment) and raised and levied off the lands liable to rent charge in such parish in like manner and by the like ways and means as if such sum had been presented by the said grand jury at such assizes to be levied off such lands, and shall be paid over by the said treasurer when and as by him received to such bank or person and in such manner as the said commissioners of the treasury shall direct.

Proceedings where the liability of lands to rent charge shall be disputed.

XVI. And forasmuch as the rent charges made payable by this act are charged upon the lands heretofore subject to the payment of compositions for tithes, it is expedient to make provisions for the more cheap and convenient determination of the liability to such compositions; be it therefore enacted, that where any person having any interest in any lands whereon any such composition shall have been applotted shall dispute the liability of such lands thereto, by reason of such land having been tithe free, or not rightfully charged with or otherwise not subject to such tithe compositions or the applotment thereof, it shall be lawful for the court of chancery or exchequer in *Ireland*, upon the petition of any such person, in a summary way to make such order, allowing or disallowing such

claim of exemption, or to direct such feigned issue or reference to any master of the court, or the chief or second remembrancer, or other proceeding as such court shall think proper, for the purpose of ascertaining whether such lands would have been rightfully charged with tithe composition if this act had not been made, or if such composition had not been suspended; and if it shall appear to the court that such land would not have been rightfully charged with such composition, it shall be lawful for the said court so to declare, and to make such order for the amendment of the certificate and applotment of such composition, and of the entry of such certificate in the registry of the diocese, as to such court may seem fit; and such lands shall be exonerated from rent charge, or such rent charges reduced accordingly: provided, that in any such proceeding the certificate or applotment of any such composition shall not be evidence of the liability of such lands to such composition, or the applotment thereof.

XVII. And be it enacted, that where any lands made subject to the payment of any part of a composition (the amount of such composition not having been fixed by agreement) shall, by virtue of any decision in law or equity, have been or at any time shall be declared to be exempt from the payment of tithes, it shall be lawful for the court of chancery or exchequer in *Ireland*, upon the petition of any person liable to the payment of rent charge in the parish in which such lands may be situate, to direct any master of such court, or the chief or second remembrancer, to inquire into and ascertain, by examination of the commissioner or commissioners, or umpire, as the case may be, by whom such composition may have been established, or otherwise upon the best evidence which can be procured, the sum included in the amount of such composition on account of the tithes of such land, and the certificate and applotment of such composition; and the entry of such certificate in the registry of the diocese shall be amended accordingly under the direction of such court, and the rent charges payable instead of such composition for tithes shall be reduced proportionably.

When tithe free lands have been subjected to composition such composition shall be reduced.

XVIII. And be it enacted, that all prescriptions and claims of or for any *modus decimandi*, or of or to any exemption from or discharge of tithes, shall in all cases whatever be sustained and be deemed good and valid in law upon evidence showing, in cases of a claim of *modus decimandi*, the payment or render of such *modus*, and, in cases of claim to exemption or discharge, the enjoyment of the land without payment or render of tithes, money, or other matters in lieu thereof, for the full period of thirty years next before the establishment of a composition for such tithes under the acts for that purpose made, unless in the case of a claim of a *modus decimandi* the actual payment or render of tithes in kind, or of money or other thing differing in amount, quality, or quantity from the *modus* claimed, or in case of claim to exemption or discharge, unless the render or payment of tithes, or of money or other matter in lieu thereof, shall be shown to have taken place at some time prior to such thirty years, or it shall be proved that such payment or render of *modus* was made or such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing, and

What prescriptions, &c. to exempt from tithes.

if such proof in support of the claim of exemption shall be extended to the full period of sixty years next before the establishment of such composition such claim shall be deemed absolute and indefeasible, unless it shall be proved that such payment or render of modus was made or such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the render of tithes or compositions for tithes might have been, in case this act had not been made, demanded by any archbishop, bishop, dean, prebendary, parson, vicar, or other corporation sole, whether spiritual or temporal, or by the said ecclesiastical commissioners, then every such prescription or claim shall be valid and indefeasible upon evidence showing such payment or render of modus made or enjoyment had as is hereinbefore mentioned, applicable to the nature of the claim, for and during the whole time that two persons in succession shall have held the office or benefice in respect whereof such render of tithes in kind might have been claimed, and for not less than three years after the appointment and institution or induction of a third person thereto: provided always, that if the whole time of the holding of such two persons shall be less than sixty years then it shall be necessary to show such payment or render of modus made or such enjoyment had, not only during the whole of such time but also during such further number of years either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of sixty years, and also for and during the further period of three years after the appointment and institution or induction of a third person to the same office or benefice, unless it shall be proved that such payment or render of modus was made or such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing.

In what case exemption from tithes allowed.

XIX. And be it enacted, that no modus, exemption, or discharge shall be deemed to be within the provisions of this act unless such modus, exemption, or discharge shall be proved to have existed and been acted upon at the time of or within one year next before the establishment of a composition for the tithes to which such claim may relate under the said acts for that purpose made.

To what cases the hereinbefore contained provisions shall not extend.

XX. Provided always, and be it enacted, that the provisions hereinbefore contained with respect to the establishment of claims of or for any modus or exemption from or discharge of tithes shall not extend to any case where the tithes of any land shall have been demised by deed for any term of life or number of years, or where any composition for tithes shall have been made by deed or writing by the person or body corporate entitled to such tithes with the owner or occupier of the land for any such term or number of years, and such demise or composition shall be subsisting at the time of the passing of this act, nor to any suit for establishing a claim to tithes now pending.

Time during which lands shall be held by persons entitled to the tithes thereof, to be excluded in

XXI. Provided also, and be it enacted, that where any lands or tenements shall have been held or occupied by any rector, vicar, or other person entitled to the tithes thereof, or by any person compounding for tithes with any such rector, vicar, or other person, whereby the right to the tithes of such lands may have been or may

be during any time in the occupier thereof or in the person entitled to the rent thereof, the whole of every such time and times shall be excluded in the computation of the several periods of time hereinbefore mentioned: provided also, that the time during which any person otherwise capable of resisting any claim to any such exemption or discharge as aforesaid, shall have been an infant, idiot, *non compos mentis*, feme covert, or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

the computation; as also while any person capable of resisting any claim shall be an infant, &c.

XXII. And be it enacted, that in all proceedings to be taken after the passing of this act for the purpose of determining the exemption or discharge of any lands from tithes it shall be sufficient to allege that the modus or exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this act as may be applicable to the case; and any provision, exception, incapacity, disability, contract, agreement, deed, or writing herein mentioned, or any other matter of fact or law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, shall be specially alleged and set forth, and shall not be received in evidence on any general traverse or denial of the matter claimed.

What it shall be sufficient to allege in proceedings relating to the exemption of lands from tithe under this act.

XXIII. And be it enacted, that in the several cases mentioned in and provided for by this act no presumption shall be allowed or made in favour or support of any claim upon proof of the exercise or enjoyment of the right claimed for any less period of time or number of years than for such period or number mentioned in this act, as may be applicable to the case and to the nature of the claim.

No presumed claim for a less period than herein mentioned.

XXIV. And be it enacted, that the said rent charges shall be payable to and amongst the several persons who would have been, if this act had not been made, entitled to compositions for tithes arising out of the several lands charged with such rent charges respectively, and in the same proportions, and vested in such persons, for the like estates or interests, and subject to the like trusts, uses, charges, payments, rents, liens, and incumbrances of what kind or nature soever.

Rent charges to whom payable.

XXV. And be it enacted, that the said rent charges shall be deemed and taken to be tithes within the meaning of an act passed in this present session of parliament, intituled *an act for the relief of the destitute poor in Ireland*, and that the persons entitled to the receipt of such rent charges shall be deemed and taken to be tithe owners within the meaning of that act.

Rent charges to be deemed tithes under 1 & 2 Vict. c. 56.

XXVI. And whereas doubts have arisen with respect to the effect of certificates for the composition of tithes in *Ireland* made under the authority of the said acts for establishing such compositions, as respects the rights or titles of persons having or claiming to have estates or interests in the tithes or compositions to which such certificates respectively relate: and whereas the said rent charges will be payable to or divided among the several persons entitled thereto according to the proportions of such compositions payable to them

Effect of certificates of compositions as to right of parties entitled thereto.

respectively as in such certificates stated; be it therefore enacted, that no certificate made under the said acts or any of them, or which may be amended under the provisions of this act, shall, as against any person claiming any estate or interest in tithes or composition for tithes in *Ireland*, and asserting such claim by any proceeding at law or in equity, be deemed to be evidence of the right or title of any person in such certificate described; and that if it shall be decided by any court of competent jurisdiction that any person other than the person in such certificate described, or those deriving under such person, would have been entitled to such composition, or to the tithes to which the same shall relate, the person so declared entitled shall be thereupon authorized and entitled to receive the rent charge or proportion thereof accruing due under authority of this act, in lieu of the composition in such certificate mentioned, as if originally named therein; but until such decision such certificate, and all payments made under the same, shall be good, valid, and effectual against all persons whatsoever.

Rent charges
how to be
recovered.

XXVII. And be it enacted, that the said rent charges shall have priority over all other charges, liens, mortgages, and incumbrances whatsoever affecting the lands chargeable therewith, and shall and may be recovered by the ways and means hereinafter mentioned; (that is to say), by bill in equity, action of debt or on the case, or, if not exceeding twenty pounds, by civil bill in the court of the assistant barrister or chairman of the sessions of the county wherein the lands charged therewith may be situate, or by distress, subject to the provisions hereinafter contained.

Several parties may be included in one bill in equity.

XXVIII. And be it enacted, that it shall and may be lawful to include in the same bill in equity or in the same petition all or any number of the persons in any one parish who may make default in payment of such rent charges, in like manner as might have been done in suits in equity for the recovery of tithes or tithe compositions in lieu of which the said rent charges are given, without being liable to any objection on the ground of multifariousness, but with liberty to any of such defendants, on payment of the demand against such defendant, and his proportion of the costs, to have his name struck out of the bill or petition.

Where person liable to rent charge shall occupy the land the arrear may be distrained for.

XXIX. And be it enacted, that where the person liable to the payment of any rent charge shall occupy the land in respect whereof the same may be payable it shall and may be lawful to make any distress or distresses for any arrears of such rent charge or proportion thereof; and such distress shall be subject in all respects to the like regulations and attended with the like privileges and advantages as are by law established in respect of any distress by any landlord for the recovery of rent.

Where rent charge in arrear, and the person liable thereto shall not be in occupation of the lands charged therewith or where such person

XXX. Provided always, and be it enacted, that in all cases where any lands charged with the said rent charge shall be held or occupied by any person other than the person liable under the provisions of this act to the payment thereof it shall not be lawful to make any distress upon such lands, or upon any other lands, goods, or chattels of such person, for such rent charge, but in all such cases, and also in all cases where the person liable to the payment of such rent charge may not be known to the party entitled to such rent charge,

and such rent charge shall be in arrear and unpaid for the space of thirty-one days after the same shall have become due, it shall be lawful for the court of chancery or exchequer in *Ireland*, upon application as hereinafter mentioned, and in default of its being shown to such court that the person in occupation of such land is liable to the payment of such rent charge, to appoint a receiver, or to extend any receiver already appointed over the said lands to the matter of the said petition, to receive the rents or such part of the rents of the lands charged with such rent charge as shall be sufficient to pay such rent charge and all arrears thereof, until the whole of such arrears shall be discharged, together with such fees as shall be appointed by such court for such receiver, and also the costs out of pocket of such application, and that out of the sums so received such fees and costs shall be ordered to be paid; and such order shall be made upon petition and affidavit, after reasonable time given to show cause; and notice of the intention to make such application shall, ten days previous to making the same, be served upon the person, or the known attorney, agent, or steward of the person, in receipt of or entitled to such rents, either by delivering such notice to the party personally, or by leaving the same at his usual place of residence, or in case such person be not known, or there be any difficulty in effecting such service, then by serving such notice in such manner as the court may, under the circumstances, think proper to direct; and that the said receiver shall be empowered by the said court to recover the said rents, or so much thereof as may be necessary, by distress and all such other remedies as receivers in any manner appointed by courts of equity in *Ireland* are empowered to recover rents according to the rules and practice of such courts respectively.

may not be known, a court of equity may order the rents of such lands to be received in liquidation of such rent charge, &c.

XXXI. Provided always, and be it enacted, that in all cases in which the party liable to the payment of any such rent charge, or to any such annual sum as is hereinbefore made payable to the party liable to such rent charge, or to any lessee holding mediately or immediately under him, in addition to the rent payable to such party or lessee, shall be of the persuasion of the people called *Quakers*, then the same shall be recoverable in manner hereinafter mentioned; (that is to say), if the person so liable shall occupy the land in respect whereof such rent charge or annual sum may be payable, then the same shall be recoverable from such person by distress upon the goods and chattels of such person, whether situate on the premises in respect of which the distress is made or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises; and the goods and chattels so distrained may be sold, without keeping or impounding the same; but if the person so liable and being of such persuasion as aforesaid shall not occupy the land in respect whereof such rent charge or annual sum may be payable, then the same (without limit as to the amount) shall be recoverable in such manner as by an act of the fifth and sixth years of the reign of his late majesty king *William* the fourth, intituled *an act for the more easy recovery of tithes*, is expressly or by reference prescribed for the recovery of ecclesiastical demands of or under the value of fifty

How rent charges, &c. to be recovered from Quakers.

5 & 6 W. 4. c. 74.

pounds from *Quakers*, but with a like exception in case the actual title to such rent charge or annual sum, or the amount thereof, or the liability or exemption of the property to or from the same, shall be *bonâ fide* in question; and in any case in which the person so liable shall be of the persuasion aforesaid, and any other remedy or proceeding than hereinbefore mentioned shall notwithstanding be commenced or prosecuted against him, it shall be lawful for him, or any one on his behalf, to serve the party so entitled as aforesaid with a declaration or notice in writing, stating that he possesses such an estate or interest as it is by this act provided shall make the person having such estate or interest liable to such rent charge or annual sum, and that he is of the persuasion aforesaid; and such other remedy or proceeding shall be thereupon forthwith discontinued, and the costs previously incurred shall be taxed, and the party who may have taken such proceeding shall proceed to recover such rent charge or annual sum by distress, or by such remedy as in the said recited act of the fifth and sixth years of the reign of his late majesty is provided, according to the circumstances, and shall be entitled to recover therewith, and as part thereof, the costs of such proceeding so discontinued; and such notice shall be evidence of the liability of the party by whom or on whose behalf the same may have been given, and of his being of the persuasion aforesaid: provided always, that if upon any such proceeding a sufficient distress cannot be found to satisfy the said rent charge or sum and the costs, if any together also with the reasonable costs of distress, then the other remedies provided or allowed by this act may be resorted to in the same manner as if the person liable to the payment were not of the persuasion of the people called *Quakers*: provided always, that in no case whatever shall any execution or decree or order issue or be made under this act against the person or persons of any defendant or defendants being of the persuasion of the people called *Quakers*.

Rent charges
to be variable
in like man-
ner as tithe
compositions

XXXII. And whereas the compositions for tithes by this act abolished are liable to be increased or diminished from time to time with reference to the average price of corn as advertized in the *Dublin Gazette* during the preceding seven years, and it is just that the said rent charges which will by virtue of this act become payable in lieu of such compositions, and the amount whereof is regulated thereby, should be subject to a similar variation; be it therefore enacted, that it shall and may be lawful for any three or more persons in any parish or place, each charged with the annual payment of three pounds or upwards in respect of any such rent charges, and for any party entitled to the receipt of such rent charges, or any proportion thereof respectively, to make application for the increase or diminution of the composition in lieu whereof such rent charges may be payable, at such periods from time to time and in such manner as, if he or they were liable to the payment or entitled to the receipt of such composition, he or they might respectively make such application; and the like notice of any such application shall be given, and all such and the like proceedings had thereupon, as by the provisions of the said several acts for establishing compositions for tithes in *Ireland* authorized and directed in the case of application thereunder; and such composition shall be increased or diminished, and

the applotment thereof amended, accordingly, and the rent charges payable in lieu thereof increased or diminished in like proportion : provided that when the price of any particular species of corn shall be stated in the certificate of such composition the justices to whom such application may be made shall ascertain the average price of that species of corn from the said Gazette, and such comparison shall be made between the price thereof as stated in such certificate and the price thereof as so ascertained from the said Gazette during each period of seven years ; and provided further, that where the price of corn shall not be stated in any such certificate of composition the said justices shall ascertain from the said Gazette the average price of corn for the period of years with reference whereto such composition may have been calculated, and deal therewith as if the same had been originally stated in such certificate.

XXXIII. And be it enacted, that if any lease or demise of tithes or composition in lieu of tithes shall be in force and undetermined at the passing of this act it shall and may be lawful for the lessee in such lease, or his representatives, within two calendar months after the passing of this act, to surrender such lease to his immediate lessor, or his representative ; or it shall be lawful for such lessee or his representatives, instead of surrendering such lease, to serve on such lessor or his representatives, within such period of two months, a notice in writing requiring him or them to reduce the rent reserved by such lease in proportion to the reduction of the profits arising thereunder by reason of the conversion of the tithe thereby demised, or the composition established in lieu thereof, into rent charge under the provisions of this act ; and in case such lessor or his representatives shall omit or refuse during the period of one calendar month from the service of such notice to agree to make the abatement specified in such notice, or such other abatement as shall be satisfactory to the person serving such notice, the matter of such notice shall be referred to three arbitrators, one to be appointed by such lessee or his representative, another by such lessor or his representatives, and the third by the two arbitrators appointed as aforesaid, within ten days after notice in writing to be given by such lessee or his representative for that purpose ; and in case such lessor or his representatives shall omit or refuse within ten days after the service of such notice as last aforesaid to appoint an arbitrator on his or their behalf, it shall and may be lawful for such lessee or person serving such notice to apply to the court of chancery or exchequer in *Ireland*, by petition, stating the facts, whereupon such court shall have power and authority to nominate and appoint an arbitrator to act on the part of such lessor so omitting or refusing to act as aforesaid, and the appointment of such arbitrator shall be equally valid to all intents and purposes as if made by such lessor ; and in case of the death or incapacity, neglect or refusal to act of any of the said arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said arbitrators appointed by the parties, as the case may be, within ten days next after notice thereof ; and the said arbitrators, or any two of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such ways and means as they shall think proper, whether

Holder of
leases of
tithes, &c,
may surren-
der the same,
or compel
the lessors
to reduce
the rents.

any and what abatement of the rent reserved in any such lease should be made to the lessee therein named for or on account of the deduction in the amount of tithe recoverable under such lease arising from the operation of this act; and the said arbitrators, or any two of them, shall specify in their award the amount of the abatement to be made in the rent reserved in the said lease, and the amount so specified shall be no longer payable or recoverable under such lease, and such award shall be of like force and effect as a release of so much of the said rent as is thereby directed to be abated; and the said arbitrators shall execute two copies of their said award, one to be delivered to the lessor in such lease, or his representatives, and the other to be deposited in the public office for registering memorials of deeds, conveyances, and wills in *Ireland*; and such arbitrators, or any two of them, shall have power and are hereby authorized to award that such lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

The residue of the money applicable to the relief of the owners of tithes under 3 & 4 W. 4, c. 100. shall be applied, together with the sums arising to credit of the account hereinafter mentioned, in payment of the arrears of compositions for 1834, 1835, 1836, and 1837. 6 & 7 W. 4, c. 108.

Treasury may raise £260,000 by exchequer bills in like manner as is prescribed by 48 G. 3, c. 1.

XXXIV. And whereas it was by the hereinbefore recited act of the third and fourth years of his late majesty's reign enacted, that exchequer bills to an amount not exceeding one million pounds in the whole should be issued and applied to the relief of the owners of tithes or compositions for tithes in *Ireland* in manner by the said act directed: and whereas in pursuance thereof exchequer bills to the amount of six hundred and forty thousand pounds were so issued and applied: and whereas an act was passed in the sixth and seventh years of his late majesty's reign, intituled *an act to amend an act passed in the first and second years of his present majesty, for the extension and promotion of public works in Ireland*, whereby after reciting that, over and above the sum required for the purposes of the said first recited act, exchequer bills to the amount of one hundred thousand pounds, or thereabouts, had been made out and delivered to the teller of the exchequer in *Ireland*, it was enacted that such of the said exchequer bills as were then in the possession of the said teller, not exceeding the said sum of one hundred thousand pounds, should be applied to the purposes of the said act for the extension and promotion of public works: and whereas it is expedient to apply the residue of the said sum of one million pounds now remaining unappropriated, being two hundred and sixty thousand pounds, together with the sums which may have arisen or shall arise in her majesty's exchequer on account of the instalments payable to the crown under the provisions of the said act of the third and fourth years of his late majesty's reign, or this act, to the indemnification, in certain cases, of persons who may not have received payment of compositions for tithes accrued due for the four years last past, that is, for any of the years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, and one thousand eight hundred and thirty-seven; be it therefore enacted, that it shall be lawful for the commissioners of her majesty's treasury of the united kingdom of *Great Britain and Ireland* at any time or times to cause or direct any number of exchequer bills to be made out at the receipt of the exchequer at *Westminster* for any sum or sums of money not exceed-

ing in the whole the sum of two hundred and sixty thousand pounds, to be applied to the purposes of this act, such exchequer bills to be made out in the same manner, or like manner, form, and order, and according to the same or like rules and directions, as are prescribed in an act passed in the forty-eighth year of the reign of his majesty king *George* the third, intituled *an act for regulating the issue and paying off of exchequer bills*.

XXXV. And be it enacted, that all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said act shall be applied and extended to the exchequer bills to be made out in pursuance of this act, as fully and effectually to all intents and purposes as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

The clauses, &c. in recited act extended to this act.

XXXVI. And be it enacted, that the exchequer bills to be made out in pursuance of this act shall bear date on the days on which the same shall be respectively issued, and shall and may bear an interest not exceeding the rate of three-pence halfpenny *per centum per diem* upon or in respect of the whole of the monies respectively contained therein, payable out of any aids or supplies in the receipt of her majesty's exchequer; and such exchequer bills shall be made payable at such periods and places as shall be fixed by the said commissioners of her majesty's treasury, nevertheless so as that all such bills shall be made payable within five years from the date thereof.

Date of exchequer bills

Interest on them.

Payment of them.

XXXVII. And be it enacted, that the principal sum or sums of money to be contained in such exchequer bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of any supplies which may be granted for the service of the year in which such exchequer bills shall become payable.

Bills to be payable out of supplies of the year.

XXXVIII. And be it enacted, that all and every the exchequer bills to be made forth by virtue of this act, or so many of them as shall from time to time remain undischarged and uncanceled, shall and may, from and after the respective days on which the same shall become due and payable, be received and taken and shall pass and be current to all and every the receivers and collectors in *Great Britain* and in *Ireland* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to her majesty, her heirs and successors, and also at the bank of *England* and at the bank of *Ireland* to the account of her majesty's exchequer from the said receivers or collectors, or from any other person or persons, bodies politic or corporate whatsoever, making any payment there to her majesty, her heirs and successors, for or upon any account, cause, or occasion whatsoever, according to the purport and true meaning of this act.

Bills to be current at the exchequer after falling due.

XXXIX. And be it declared and enacted, that it shall and may be lawful for the governor and company of the bank of *England*, and for the governor and company of the bank of *Ireland*, to advance or lend to her majesty, upon the credit of the exchequer bills to be made out in pursuance of this act, any sum or sums of money not exceeding in the whole the sum of two hundred and sixty thousand

Bank of England may advance £260,000 on the credit of this act, notwithstanding 5 & 6 W. & M. c. 20.

pounds, any thing in an act passed in the fifth and sixth years of the reign of king *William* and queen *Mary*, intituled *an act for granting to their majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors; and for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying on the war against France*, or in any subsequent act to the contrary thereof in anywise notwithstanding.

Treasury to apply the money raised to purposes of this act.

XL. And be it enacted, that it shall be lawful for the said commissioners of the treasury to cause all such sums of money as shall be raised by the exchequer bills to be made out in pursuance of this act, and which sums they are hereby authorized to raise in such manner as they shall think proper, to be paid to the governor and company of the said bank of *Ireland*, to be carried and placed to a distinct and separate account to be opened in the books of the said bank of *Ireland* and of her majesty's exchequer, under the name of "the tithe arrear account;" and it shall be also lawful for the said commissioners of the treasury to cause any monies which may have arisen or which shall arise in the said exchequer on account of the instalments payable under the said act of the third and fourth years of his late majesty's reign and this act to be carried and placed to the same account; and all the said monies so arising to the credit of the said account shall be paid and issued thereout upon the warrants of the said commissioners of the treasury, or any three or more of them, to the persons in such warrants named, pursuant to the provisions hereinafter contained.

Persons who may not have received payment of their compositions for 1834, 1835, 1836, or 1837 shall apply for relief by memorial.

XLI. And be it enacted, that it shall and may be lawful for any person entitled, or who would have been entitled if this act had not been made, to any compositions for tithes accrued and now remaining due and payable in *Ireland* for the years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, or for the year one thousand eight hundred and thirty-seven, to make application, at any time within two calendar months next after the passing of this act, to the lord lieutenant of *Ireland* in her majesty's privy council there, praying relief in respect of such compositions for tithes; and such application shall be made by memorial, with a schedule thereunto annexed, to be prepared and verified in manner by the said recited act of the third and fourth years of his late majesty's reign directed in respect of applications for relief to be made thereunder: provided that in case of the death, illness, absence, disability, or incapacity of any person entitled to relief under this act, it shall be lawful for the personal representatives, guardian, attorney, steward, or agent of such person to make such application as aforesaid, and that in such case the contents of the memorial and schedule shall be verified upon oath by such personal representatives, guardian, attorney, steward, or agent, as the case may be: provided that it shall not be lawful to include in any such memorial and schedule any compositions for tithes, the payment whereof may have been agreed for and undertaken by any person under the hereinbefore recited act of the second and third years of his late majesty's reign; and provided

Such relief not to extend to compositions payable by undertaking landlords

further, that in the schedule to be annexed to each such memorial, the applicant shall specify and distinguish, according to the best of his knowledge and belief, the tithe compositions to which he shall claim to be or have been so entitled, if any, payable by persons having, when such compositions accrued due, such like estates or interest in the lands chargeable with such compositions respectively as would, under the provisions hereinbefore contained, have made the owners thereof liable to the payment of the rent charges hereinbefore mentioned if this act had been in force, and such rent charges payable at the time when such compositions accrued due; and provided further, that all compositions included in any such memorial and schedule shall be stated according to the original amount thereof respectively, exclusive of any addition to such compositions made under the said recited act of the third and fourth years of his late majesty's reign on account of any advances made thereunder; and the said lord lieutenant and council shall cause each such memorial and schedule to be revised by such persons and in such manner, and the several matters and things stated in or appearing thereby proved upon such evidence, as to them shall seem proper; and if they shall so think fit they shall declare the memorialist entitled to relief under this act; and upon and after the completion of the proceedings hereinafter authorized for the recovery of the compositions payable by persons having such estates or interests as hereinbefore described the said lord lieutenant shall certify to the commissioners of the treasury the sum which shall be found due to each such memorialist, exclusive of any sums recovered by any such proceedings as hereinafter directed and paid to him: provided always, that if upon the revision of any such memorial and schedule any sum claimed therein should appear to have been previously paid or satisfied, or if such memorial or schedule should contain any false and wilful misrepresentation, then and in such case it shall be lawful for the said lord lieutenant to direct such sum, by way of penalty, not exceeding the amount of such unfounded demand or the item in respect whereof such false and wilful misrepresentation may have been made, as he shall think proper, to be deducted from and out of any sum payable to the memorialist under the provisions hereinafter contained; and he shall certify to the said commissioners of the treasury the sum so to be deducted, and the same shall be deducted accordingly.

XLII. And be it enacted, that whenever any person making any such application under this act shall be declared to be entitled to relief hereunder the right in and to all such compositions for tithes included in his memorial and schedule as may have accrued and remain due from or by persons having at the time when such compositions may have so accrued due such like estates or interests in the lands chargeable therewith respectively as would, under the provisions hereinbefore contained, have made the owners thereof liable to the payment of the rent charges hereinbefore mentioned if this act had been in force, and such rent charge payable at the time when such compositions accrued due, shall vest in her majesty; and the said lord lieutenant shall issue a proclamation, to be posted on conspicuous places within the proper parish (whereof the publication

Upon application for relief under this act proclamation to be issued, enjoining payment of arrears due by such persons as would be liable to pay rent charges under this act.

Proceedings
in case of
default.

Receipt to
be given to
parties mak-
ing payment,
which shall
be a sufficient
acquittance.

In default of
obedience to
proclamation
an applica-
tion by peti-
tion to be
made to the
court of
chancery or
exchequer,
or assistant
barrister, for
an order
against de-
faulters for
the sum due,
who shall ex-
amine into
the same, and
make order
thereupon.

in the *Dublin Gazette* shall be sufficient evidence, as also of such declaration by the lord lieutenant in council), enjoining and requiring all persons named in the schedule annexed to each such memorial, and having such estates or interests as aforesaid respectively, to pay to such bank or person as the said lords commissioners of the treasury shall appoint to receive the same the several sums in such schedule stated to be due and owing by them severally, or so much thereof as they shall respectively admit to be due, and warning all such persons that in default of their paying the same within one calendar month from the date thereof such proceedings as are by this act warranted will be forthwith taken for the levy and recovery of the composition so remaining due and unpaid; and the cashier of the bank, or person authorized to receive such sums, shall give to every party making any such payment a receipt, which shall be an acquittance for the monies therein expressed to have been received; and if for the full amount in such schedule stated, or for such lesser amount in lieu thereof as her majesty's attorney general for *Ireland* shall direct to be received, such receipt shall be an acquittance for all composition for tithe which might be claimed from such party by the person upon whose application the proclamation aforesaid may have been issued, or by the crown in right of such person under the provisions of this act.

XLIII. And be it enacted, that upon the expiration of the time in the said proclamation limited, and in default of payment as aforesaid, it shall and may be lawful for the said attorney general to apply by petition, either to the court of chancery or exchequer in *Ireland*, or, in any case where the sum sought to be recovered shall not exceed twenty pounds, then, at the option of the said attorney general, to the court of the assistant barrister of the county or riding where the person in default shall reside, or if he shall reside in the county of *Dublin*, to the court of the chairman of the sessions of the peace for the said county, praying the order of such court, assistant barrister, or chairman against any person in default, who shall be named and distinguished in any such schedule as aforesaid as having such estate or interest as hereinbefore described in the lands charged with any composition due and in arrear; and the said courts shall summarily examine into the matter of every such petition, and for that purpose call before them and examine *vivâ voce* any person upon oath, or ascertain the truth by interrogatories in writing or by affidavit, and thereupon make such order or orders as to such court shall seem just; and the costs shall be in the discretion of the court as if the proceeding was between subject and subject; and in case any person against whom any such order shall be so prayed shall not, by himself or some attorney or counsel, attend at the time appointed for proceeding upon such petition, and show that he had not when such composition accrued due such an estate or interest as hereinbefore described in the lands chargeable with such composition, the liability of such person shall be taken *pro confesso*, and an order shall be forthwith made as against every such person for such amount of composition as shall be proved to be so due and in arrear in respect of the said lands; and the sum expressed in any such order, and the costs, shall be taken to be a debt due to

her majesty, and recovered accordingly; provided that the like costs shall be payable on any such application to any assistant barrister or chairman as on any proceeding by civil bill.

XLIV. And be it enacted, that no objection to any such petition on account of the demands thereby sought to be recovered being distinct and multifarious, nor for want of parties or want of form, shall be received; and no such petition shall abate on account of the death of any of the parties; and in case of any such death the said attorney general may proceed against the representatives of any person so dying, having first served them with a notice thereof; and upon its appearing to the court that such notice had been given such court shall inquire into the matter of such petition as against the representative of any person so dying in the same manner as against the said person were he living, and the said court respectively shall proceed thereon accordingly: provided always, that at least fourteen days before any proceeding shall be taken under any such petition as aforesaid a notice thereof shall be served upon the person against whom any order may be thereby prayed.

Informality
of petition.

Deaths of
parties not
to abate pe-
tition.

Notice of
proceedings.

XLV. And be it enacted, that all monies paid, received, or recovered on account of any tithes or compositions for tithes vesting in her majesty by virtue of the hereinbefore contained provision shall, after deducting the costs and charges attendant on the receipt or recovery thereof, be, in such manner as the said commissioners of the treasury shall direct, paid over to the respective parties in whose right so transferred to the crown the same may have been received or recovered.

Money reco-
vered by
these pro-
ceedings to
be paid to
parties enti-
tled thereto.

XLVI. And be it enacted, that it shall be lawful for the said commissioners of the treasury, or any three or more of them, to order and direct that such sum or sums of money as may be necessary to defray the expenses attendant upon the revision of the said memorials and schedules shall be paid to such persons, at such times and in such manner as they shall think fit, from and out of the monies accruing to the credit of the said account to be kept as hereinbefore provided at the said bank of *Ireland* and exchequer; and the residue of the monies arising to the credit of the said account shall be applied to the relief of the several memorialists who shall be declared to be entitled to relief under this act as hereinbefore provided; and such residue shall be distributed rateably amongst them in proportion to, but not exceeding, the amount of the several sums found due to them respectively on account of the arrears of composition payable in and for the said years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, and one thousand eight hundred and thirty-seven, included in the said several schedules, exclusive of any sums received or recovered and paid to such persons under the hereinbefore contained provision; and the said commissioners of the treasury, or any three or more of them, shall direct payment to be made to each such memorialist accordingly; and the surplus (if any) shall be carried to and made part of the consolidated fund of the united kingdom of *Great Britain and Ireland*.

The expenses
of the revi-
sion of me-
morials and
schedules to
be first de-
frayed out of
the fund in
the exche-
quer, and the
residue dis-
tributed
rateably
among the
memorialists

XLVII. And whereas certain sums of money are now due and accruing due to the ecclesiastical commissioners for *Ireland* by reason

Arrears of
instalments
of certain

monies advanced by commissioners of first fruits, and due 1st July 1835, 1836, 1837, and 1838, not to be sued for.

of instalments accrued due in the year one thousand eight hundred and thirty-five and one thousand eight hundred and thirty-six and one thousand eight hundred and thirty-seven, and this present year, on account of monies lent and advanced by the trustees and commissioners of first fruits in *Ireland* for the purposes of building mansions or glebe houses and making other improvements, or for the purchase of houses for the habitation and residence of incumbents of benefices and their successors, or for the purchase of glebes or demesne lands for the erection of such glebe houses or offices, and which sums were vested in the said ecclesiastical commissioners by the hereinbefore recited act passed in the third and fourth years of his late majesty's reign: and whereas it is expedient to relieve the incumbents who have been unable to pay such instalments for the said years one thousand eight hundred and thirty-five and one thousand eight hundred and thirty-six and one thousand eight hundred and thirty-seven, and this present year, from immediate liability thereto, but so nevertheless that such sums shall remain charged upon their respective benefices and promotions, and upon the incumbents having or succeeding to the profits and emoluments thereof, but that the same shall be repaid by instalments computed at a reduced rate; be it therefore enacted, that no suit or proceeding shall be taken by or on behalf of her majesty, or by or in the name of the said ecclesiastical commissioners, or any other person, for the recovery of any such instalment which may have accrued due on the first day of *July* one thousand eight hundred and thirty-five, or on the first day of *July* one thousand eight hundred and thirty-six, or on the first day of *July* one thousand eight hundred and thirty-seven, or on the first day of *July* in this present year, on account of any monies lent or advanced by the said trustees and commissioners of first fruits for the purposes aforesaid.

Incumbent to pay money advanced by the commissioners of first fruits by yearly instalments at a reduced rate, commencing 1st July 1839.

XLVIII. And be it enacted, that from and after the passing of this act the respective sums which shall at such time be and remain due to the said ecclesiastical commissioners on account of any money lent or advanced by the said trustees or commissioners of first fruits, for the purposes aforesaid, shall to all intents and purposes be deemed and taken to be the sum and sums originally lent, and which ought to be repaid by instalments on or before every first day of *July* in every year, and that every such sum shall be repaid to the said commissioners by annual instalments at and after the rate of three pounds for every hundred pounds so lent and advanced and remaining due and unpaid as aforesaid, and at and after no higher rate, and that the first of such instalments shall become due on the first day of *July* one thousand eight hundred and thirty-nine, and the remaining instalments on the first day of *July* in each succeeding year, until the whole sum lent and advanced and remaining unpaid as aforesaid shall have been repaid; and that such instalments shall be payable by the present incumbent of each benefice or his successors, and recoverable by the like means as now provided by law for the recovery of instalments payable in discharge and on account of monies lent and advanced by the said trustees and commissioners of first fruits for the purposes aforesaid, and in all respects according to the like provisions.

XLIX. And whereas doubts have arisen how far the several acts for establishing compositions for tithes in *Ireland* extend to tithes forming part of the hereditary revenues and possessions of the crown in *Ireland*; for the removal of which doubts be it enacted and declared, that the said act shall be deemed to extend to the queen's majesty, her heirs and successors, as if named therein, and that all compositions for tithes belonging or which may have belonged to her said majesty are and shall be and be deemed to have been good, valid, and effectual to all intents and purposes as any compositions established in lieu of tithes belonging to any other person.

Tithe composition acts shall be taken to extend to her majesty.

L. And be it enacted, that all and every the provisions of this act shall apply and extend to the said compositions for tithes belonging to the queen's majesty, and that rent charges shall become payable in lieu thereof, and that such rent charges shall be collected and recovered and in all other respects managed and dealt with according to the provisions of the acts in force relative to the hereditary possessions and land revenues of the crown in *Ireland*; and that nothing herein contained shall extend in any respect to alter or repeal the provisions of any act or acts now in force with respect to the application of the annual income arising from such tithes or compositions, or the sale thereof, or the application of the monies arising from any such sales, but that such last mentioned provisions shall extend and apply to the annual income arising from the rent charges which will become payable in lieu of such tithes or compositions under the provisions of this act, and to authorize sales thereof, and to direct the application of the monies arising from the sale of such rent charges, according to the nature thereof respectively, in like manner as to the annual income arising from such tithes and the monies arising from sales thereof: provided always, that nothing in this act contained shall in any manner prejudice or affect the right of her said majesty in or to any quit rent or other rent or payment reserved upon or arising out of any grant, or payable on account of any advowsons, rectories, vicarages, or other benefice or preferment, or office spiritual, or tithes.

The provisions of this act shall extend to her majesty.

Proviso.

LI. And whereas by the said act of the third and fourth years of the reign of his late majesty king *William* the fourth it is enacted that a certified copy of or extract from the memorial and schedule or return attached thereto, a duplicate of which is by that act required to be lodged with the clerk of the peace, shall be sufficient evidence to all intents and purposes of the several matters and things therein set forth; be it enacted, that every clerk of the peace with whom any such duplicate, memorial and schedule or return attached thereto is lodged shall and he is hereby required to furnish a certified copy of or extract from the same respectively to any person requiring the same, on payment of a sum not exceeding three-pence for every ninety words contained in such copy or extract, and every sum of money set forth in such copy or extract shall be reckoned only as a single word.

Clerk of the peace to furnish a copy or extract of the memorial and schedule or return required by 3 & 4 W. 4, c. 100, on payment of a stated sum.

LII. And be it enacted, that whenever any notice required to be given by this act cannot be delivered to the person to whom such notice is directed, it shall be sufficient to leave the same at the last

Notices how to be served.

or most usual place of abode of such persons, if such persons shall be in *Ireland*, or if such person or persons shall be in any other part of the united kingdom, or beyond the seas, then to publish the same in the *Dublin Gazette*; and in all cases in which any notice shall be required to be given to or delivered by or on behalf of her majesty, her heirs or successors, under any of the provisions of this act, it shall be sufficient if such notice be given to or delivered by the commissioners for the time being of her majesty's woods, forests, land revenues, works, and buildings, or any person authorized by them to receive or give such notice on her majesty's behalf.

Persons
taking false
oaths, &c.
guilty of per-
jury.

LIII. And be it enacted, that if any person who shall make or take any oath, affirmation, affidavit, or deposition under or in pursuance of this act, shall therein wilfully or knowingly swear, affirm, depose, or answer falsely, every such person, being duly convicted thereof, shall incur and suffer such pains, penalties, and disabilities as persons convicted of wilful and corrupt perjury are by law liable to.

Interpreta-
tion of words
used in this
act.

LIV. And be it enacted, that the words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall, in this act, except where the nature of the provision or context of the act shall exclude such construction, be interpreted as follows; (that is to say), the words "lord lieutenant of *Ireland*" shall extend to any lords justices or other chief governor or governors of *Ireland*; and the word "land" shall extend to manors, messuages, and other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold, or of any other tenure; and the words "persons entitled to compositions for tithes," or to any "composition," shall be construed to extend to and include all ecclesiastical persons, and bodies corporate, sole, or aggregate, lay or ecclesiastical, or collegiate, and all incumbents of parishes, whether rectors, vicars, or curates, and all impropriators and appropriators, and all persons whomsoever, being the owners of or entitled or interested in any manner whatsoever, at law or in equity, whether in their own right or by virtue of any order or process of any court, as trustees, devisees, personal representatives, lessees, sequestrators, receivers, or otherwise, to any tithes or portion or portions of tithes, or composition established in lieu of tithes, or portion or portions of such composition, or who would have been so entitled to any such composition if the same had not been suspended by virtue of any lease or agreement; and the word "person" shall extend to and comprise all and every bodies politic and corporate, sole and aggregate, lay and ecclesiastical, and collegiate; and the words "compositions for tithes" shall extend and be applied to any portion or portions of a composition, and to any tithes or portion of tithes, and to any part of a yearly payment thereof as well as to a composition; and the word "county" shall extend and be applied to any riding, county of a city, or county of a town, or city and county, as well as a county at large; and the word "parish" shall extend and be applied to any part of a parish forming a distinct benefice, and to extra-parochial place or places separately chargeable with any composition for tithes, as well as to a parish; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and

every word importing the masculine gender only shall extend and be applied to a female as well as a male.

LV. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be altered this session.

2 & 3 VICTORIA, CAP. 3.—*An act to authorize the immediate distribution of a portion of the fund applicable to the relief of persons entitled to certain arrears of tithe compositions under an act of the last session of parliament, to abolish compositions for tithes in Ireland and to substitute rent charges in lieu thereof; and for other purposes.*—Whereas

an act was passed in the last session of parliament, intituled *an act to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof*, whereby it was among other things enacted,

1 & 2 Vict. c. 109.

that exchequer bills to an amount not exceeding two hundred and sixty thousand pounds in the whole should be made out and applied, together with the sums which had arisen or which should arise in her majesty's exchequer on account of certain instalments payable to the crown under the provisions of an act passed in the session of parliament holden in the third and fourth years of the reign of his late majesty, intituled *an act for the relief of the owners of tithes in Ireland, and for the amendment of an act passed in the last session of parliament, intituled an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishment of compositions for tithes in Ireland*, to the indemnification in certain cases of persons who might not have received payment of compositions for tithes in Ireland accrued and remaining due and payable for the four years then last past; and such persons were directed to apply for relief accordingly to the lord lieutenant of Ireland in her majesty's privy council there; and every such application was directed to be made by memorial, with a schedule setting out the particulars of each claim thereunto attached: and the said lord lieutenant in council was authorized to cause all such memorials and schedules to be revised, and the several matters and things stated in or appearing thereby proved upon such evidence as to him and them should seem proper; and it was provided, that the schedule attached to each memorial should distinguish such of the compositions in arrear, if any, as were payable by persons having, when the same accrued due, such like estates or interests in the lands chargeable therewith as would under the provisions of the said act of the last session of parliament have made the owners thereof liable to the rent charge substituted for the said compositions; and the right to all arrears of compositions so due and in arrear from persons having such estates or interests as aforesaid was transferred to and vested in her majesty, and her attorney general for Ireland was directed to take certain proceedings for the recovery thereof, and the amount received or recovered was directed to be paid over to the respective parties in whose right so transferred to the crown the same had been received or recovered; and upon and after the completion of all such proceedings the said lord lieutenant was authorized to certify to the commissioners of the treasury the sum found due to each memorialist who should be declared entitled to relief under the said act, exclusive of any sums recovered by the proceedings aforesaid,

3 & 4 W. 4, c. 100.

When any memorialist shall have been declared to be entitled to relief under 1 & 2 Vict. c. 109, the lord lieutenant may certify to the treasury the sum due to such memorialist, and the sum proper to be paid upon account to him; and the treasury may direct payment accordingly. Proviso.

The applications for relief of Elizabeth Gore, widow, and Eliza Edwards, widow, may be received,

and paid to him ; and the sums raised by the exchequer bills directed to be made out as hereinbefore mentioned, and the sums which had arisen or which should arise in her majesty's exchequer on account of the instalments hereinbefore mentioned, were, after deducting the necessary expenses attendant upon the execution of the said act, directed to be distributed rateably among the several memorialists entitled to relief thereunder in proportion to the amount of their several claims : and whereas it has been found that the proceedings necessary to be taken before the amount of the several claims to relief under the said act can be precisely ascertained, or the fund applicable to such purpose fully realized, will be attended with a delay which makes it expedient to allow of an immediate partial distribution of the said fund : be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that when and so soon as the said lord lieutenant of *Ireland* and council shall have declared any memorialist to be entitled to relief under the said act in respect of any compositions for tithe due or payable to him for the years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, or one thousand eight hundred and thirty-seven, it shall be lawful for the said lord lieutenant to certify to the commissioners of the treasury the sum which shall be found due to such memorialist, exclusive of any sum or sums claimed by him to be due by any person against whom proceedings may be had by her majesty's attorney general, as by the said act directed, and also to certify such sum as to the said lord lieutenant and council may seem proper to be paid to such memorialist upon account of his claim to relief under the said act ; and it shall be lawful for the said commissioners of the treasury to direct payment to be made to him accordingly from and out of any monies which shall have arisen to the credit of the tithe arrear account opened in the books of the bank of *Ireland* and of her majesty's exchequer, as directed by the said act : provided always, that no greater sum shall be so advanced to any memorialist upon account as aforesaid than the proportionate sum which would be payable to him out of the said monies if the claims of all other memorialists for relief thereout were allowed ; and provided also, that a sufficient sum shall be reserved out of the said monies to defray the expenses which may be incurred in carrying the said act into execution ; and provided also, that, in the final distribution of the monies applicable to the relief of memorialists under the said act, any sum which shall have been previously advanced on account to any memorialist as aforesaid shall be deducted from the proportionate sum to which he would have been entitled if no such advance upon account had been made to him.

II. And whereas *Elizabeth Gore*, the widow of the Reverend *John Gore*, late rector and vicar of the parishes of *Marshalstown* and *Aghada* in the diocese of *Cloyne*, and *Eliza Edwards*, the widow of the Reverend *Anthony Edwards*, late rector and vicar of the parishes of *Geel* and *Ballysheehane* in the diocese of *Cashel*, claiming to be entitled as the personal representatives respectively of their deceased

husbands to relief under the provisions of the said act in respect of certain compositions for tithes, and being resident at places distant from the said parishes, have been prevented by that and other circumstances making application for relief under the said act within the period by the said act limited for that purpose, and are by reason of such delay debarred the relief afforded by the said act, and deprived by the provisions of the said act of all remedy for the recovery of the compositions to which they may be severally entitled; in consideration whereof and of the special circumstances of the case, be it enacted, that it shall and may be lawful for the said *Elizabeth Gore* widow, and for the said *Eliza Edwards* widow, at any time within one calendar month next after the passing of this act, to make application to the said lord lieutenant of *Ireland* in her majesty's privy council there, praying relief in respect of any compositions for tithes accrued and now remaining due and payable for the years one thousand eight hundred and thirty-four, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, or one thousand eight hundred and thirty-seven, to them respectively as the personal representatives of their several deceased husbands; and that such applications shall be made in the same manner and in all respects subject to the like regulations and directions as by the said act provided in respect of other applications for relief thereunder; and that such applications shall be dealt with in the same manner, and all such and the like proceedings had thereupon, as if such applications had been made within the period by the said act limited; and that the said *Elizabeth Gore* and *Eliza Edwards*, if otherwise entitled thereto, shall receive the like relief as other memorialists under the said act.

although the period limited for receiving applications has expired.

III. And whereas an act was passed in the session of parliament holden in the second and third years of the reign of his late majesty king *William* the fourth, intituled *an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of compositions for tithes in Ireland, and to make such compositions permanent*, whereby, after reciting that it was expedient that a fixed and permanent composition in lieu of tithes should, with a view to the future commutation thereof, be generally established throughout that portion of the united kingdom called *Ireland*, provision was made authorizing a composition for tithes to be established within three months next after the passing of the said act by a sole commissioner to be for that purpose nominated by the lord lieutenant of *Ireland*, in every parish or part of a parish wherein a composition should not have been previously made under the provisions of the acts theretofore passed for that purpose; and whereas it has been found that notwithstanding the provisions of the said act there are some parishes and parts of parishes wherein no such composition for tithes has yet been established, and it is necessary, in order to the establishment of rent charges in such parishes and parts of parishes, pursuant to the intent of the hereinbefore recited act of the last session of parliament, that a composition for the tithes of such parishes or parts of parishes should be previously made; be it therefore enacted, that it shall and may be lawful for the said

In parishes where a composition for tithes has not yet been established, such composition shall be made, and rent charges substituted, as in cases of parishes previously compounded.

lord lieutenant of *Ireland*, as soon as conveniently may be after the passing of this act, to nominate some proper person to be a commissioner for the purpose of establishing a composition for tithes in each parish or part of a parish in *Ireland* wherein a composition for the tithes thereof has not been heretofore made; and that all and every the provisions contained in the said act passed in the session of parliament holden in the second and third years of his late majesty's reign, with respect to any person to be appointed a commissioner for the purposes of such act, shall apply to any person who may be appointed a commissioner hereunder; and that all and every the like proceedings shall be had for the purpose of carrying the said act into execution in any such parish or part of a parish, and for defraying the expenses attendant thereon, as if compositions of tithe had not been abolished by the hereinbefore recited act of the last session of parliament, so far as may be necessary for the establishment of a composition for the tithes of any such parish or part of a parish, and for the assessment or applotment thereof, and the apportionment of such composition amongst the party or parties entitled to the tithes or any particular share or proportion thereof for which such composition shall be established; and that the like appeal may be made within the like period against any such composition, or against the assessment or applotment thereof, and the like proceedings had upon any such appeal, as were authorized or directed in the case of any composition or assessment or applotment thereof heretofore made under the said act passed in the session of parliament holden in the second and third years of his late majesty's reign: provided always, that when and so soon as the periods limited for such appeals respectively shall have expired or the same shall have been decided, and such composition and the assessment or applotment thereof shall have been finally established and settled, all and every the provisions of the said act passed in the last session of parliament shall thereupon be deemed and taken to apply to every such composition so established by virtue of this act; and that an annual sum or rent charge equal to three fourths of such compositions shall become payable in like manner to all intents and purposes as in the case of compositions established previous to the passing of the said act of the last session of parliament; and every provision in such act contained with respect to the rent charges established thereby shall apply to the rent charges to be established by virtue hereof; and every such rent charge established by virtue hereof shall take effect from the first day of *November* one thousand eight hundred and thirty-seven; and the first payment thereof shall become due so soon as the periods limited for the appeals before mentioned shall have expired or the same shall have been decided, and be then paid by one entire payment: provided nevertheless, that if any payment on account of the tithes accrued due for the said year one thousand eight hundred and thirty-seven, or any render thereof in kind, shall have been previously made, the amount or value thereof shall be deducted from the first payment of the said rent charge.

Certain provisions of
1 & 2 Vict.
c. 109, rela-

IV. And whereas the said act of the last session of parliament empowered the said lord lieutenant in council to remit the hereinbefore mentioned instalments payable to her majesty under the said

recited act of the third and fourth years of his late majesty's reign, under certain restrictions and regulations, whereof one was, that where the whole or some part of the sums by the said last mentioned act added in respect of the advances thereunder to any compositions for tithes were found to be payable to the person liable to any such instalment by persons being both the owners and occupiers at the same time of the lands charged with such compositions, such instalment, or so much thereof as should be equivalent to the said sums payable by such persons, should not be remitted; and the said act provided, that from and against such persons, being such owners and occupiers as aforesaid, the person liable to any such instalment might sue for and recover the sums so added to the said compositions, and remaining due and in arrear from them by all the ways and means by which compositions for tithes might have been recovered if the said act of the last session of parliament had not been passed: and whereas it is expedient to make further provision for the relief of the persons liable to the said instalments; be it therefore enacted, that, any thing in the said act of the last session of parliament to the contrary notwithstanding, it shall be lawful for the said lord lieutenant in council to remit the whole or any part of any such instalment as aforesaid, although the whole or any part of the said sums so added to the said compositions shall be found to be payable to the person liable to such instalment by persons being both the owners and occupiers at the same time of the lands charged with such compositions; provided, however, that so soon as the whole or any part of such instalment shall be remitted by the said lord lieutenant in council (whereof the certificate of the clerk of the council shall be sufficient evidence), the right to all sums so added to the said compositions, and remaining due and payable to the person so relieved from such instalment or part thereof, by persons being both the owners and occupiers at the same time of the lands charged with such compositions, shall vest in her majesty; and that the like proceedings shall be had for enforcing payment thereof as are in and by the said act directed to be taken touching all compositions for tithe the right to which is vested in her majesty under or by virtue of the provisions thereof; and that all monies so recovered shall be paid into the bank of *Ireland* to the credit of the hereinbefore mentioned "tithe arrear account."

tive to the
remission of
instalments,
amended.

V. And be it enacted, that the provision made by the said act of the last session of parliament for the interpretation of certain words and expressions therein shall apply and extend to the like words and expressions in this act; and that by the expression "owners and occupiers at the same time of the lands charged with compositions" (wherever such expression may occur in the said act or in this act) shall be understood persons occupying the lands charged with such compositions, and having in the said lands such like estates or interests as would under the provisions of the said act have made the owners thereof liable to the payment of the rent charges mentioned therein if such act had been in force, and such rent charges payable at the time when such composition accrued due.

Interpreta-
tion of cer-
tain words in
this act.

VI. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be
amended, &c.
this session.

3 & 4 VICTORIA, CAP. 13.—*An act to amend an act of the first and second years of the reign of her present majesty, to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof.*—

1 & 2 Vict.
c. 109.

Any petition under the recited act may include all or any two or more persons in default named in the schedule to any memorial for relief presented under that act, &c.

Whereas an act was passed in the session of parliament holden in the first and second years of the reign of her present majesty, intituled *an act to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof*; and it is expedient to amend the said act: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in any petition to be presented under the said act by her majesty's attorney general for *Ireland* to the court of chancery or exchequer in *Ireland*, or to the court of any assistant barrister or chairman, for the recovery of any arrears of tithe composition vested in her majesty under and by the operation of the provisions of the said act, it shall be lawful to include all or any two or more of the persons in default who shall be named and distinguished in the schedule annexed to any memorial for relief presented to the lord lieutenant and privy council in *Ireland* under the said act as having such estates or interests as in the said act described in the lands charged with any composition due and in arrear; and that the court to which any such application may be made by petition may from time to time proceed thereon as against any one or more of the persons therein named as defaulters who may appear to have had due notice thereof, although such notice may not be proved to have been given to any other or others of the persons named therein.

Order of court to have effect of a decree without enrolment.

II. And be it enacted, that every order of either of the said courts of chancery or exchequer respectively made upon any petition, under the provisions of the said act or of this act, shall have, without enrolment, the force and effect of a decree, and shall be enforced by such writ of execution or other process as might be sued or issued to enforce any final decree or order of either of the said courts; and every order made by any assistant barrister on any such petition preferred to him shall and may be enforced, and the amount thereof levied, by all such process as may be employed to enforce or carry into execution any decree pronounced or made upon any proceeding by civil bill by any such assistant barrister or chairman under or by virtue of any statute heretofore made, or by any of the means in force before the passing of the said act, for the recovery of tithe composition.

What shall be the period of notice of proceeding before the assistant barrister.

III. And be it enacted, that in the case of any petition presented by the attorney general to any assistant barrister or chairman under the said act, the period of notice of such petition required by the said act shall be computed to be fourteen days before the commencement of the general or quarter sessions at which such petition is intended to be preferred for the division in which the person in default shall reside; any thing in the said act contained to the contrary notwithstanding.

Lord lieutenant of Ireland in council, upon a statement of erroneous

IV. And whereas it is desirable to make provision for the final distribution and dividend of the relief fund provided by the said act, without waiting the termination of the proceedings which may be taken by the said attorney general, and for that purpose it is

necessary to ascertain and determine, within a reasonable time, in what cases only such proceedings may or should be taken: and whereas several persons who presented memorials for relief to the said lord lieutenant and privy council of *Ireland* under the said act have, since orders have been made thereupon by the said lord lieutenant and privy council, represented that they had erroneously returned therein arrears of tithe composition as owing to them by persons having such estates or interests in the lands subject thereto as made such persons liable to be sued for the same by her majesty's attorney general, pursuant to the provisions of the said act; be it therefore enacted, that it shall be lawful for any person who has presented any such memorial under the said act to lodge with the clerks of her majesty's privy council in *Ireland*, within one month from the passing hereof, a statement of errors, signed by him, of any arrears which may have been so erroneously returned by him in the said memorial, and of his reasons for believing that such error has been committed in the said memorial; and it shall be lawful for the said lord lieutenant of *Ireland* in council to cause the said memorial and statement to be revised in such manner as shall seem proper, and after such revision to cause the memorial to be corrected as may be found necessary, and to declare the memorialist entitled to receive such dividend upon any monies originally returned by him as due by persons having such estates or interests as aforesaid as he would have been entitled to had not such errors been committed by him, and the memorialist shall receive such dividend accordingly; and it shall be lawful to and for the lord lieutenant of *Ireland* in council, after the expiration of the said period of one month, and on such correction of such memorial or memorials, to direct that so much of the relief fund created by the said act as shall be deemed necessary for the purpose shall be retained and set apart to provide for the payment of the costs, charges, and expenses attendant on the revision of the said memorial or memorials, and of any costs which may be incurred in the proceedings to be taken by the said attorney general, and which may not be recoverable or recovered from the defendants in such proceedings, or payable out of any sum thereby recovered, and to direct that the residue of the said relief fund shall be forthwith paid over to and distributed among the several memorialists rateably and in proportion to the respective sums found to have been payable to them by persons not having such estates or interests; and the said lord lieutenant shall thereupon certify to the commissioners of her majesty's treasury the proportionate sum so payable to each memorialist, and they shall give the necessary directions for the payment thereof accordingly; and if the sum which shall be so retained and set apart for defraying such costs and charges as aforesaid shall be found more than sufficient for that purpose, the balance thereof shall be paid over to the lord primate of *Ireland* and the venerable the archdeacon of *Armagh*, to the end that the same may be applied by them as they may think fit for the benefit of the widows and orphans of deceased clergymen of the established church in *Ireland*.

return of
arrears, may
revise and
correct the
same.

V. And be it enacted, that the provisions made by the said act for the interpretation of certain words and expressions therein shall apply and extend to the like words and expressions in this act; and

Interpreta-
tion clause.

that by the expression relief fund shall be understood the monies paid or payable to the credit of the account opened at the bank of *Ireland*, and entitled the tithe arrear account, pursuant to the provisions of the said act.

Act may be amended, &c.

VI. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

1 & 2 Vict.
c. 109.

3 & 4 Vict.
c. 13.

4 & 5 VICTORIA, CAP. 5.—*An act to facilitate the recovery of arrears of tithe compositions in Ireland vested in her majesty under the provisions of an act of the first and second years of her present majesty, for abolishing compositions for tithes in Ireland, and for substituting rent charges in lieu thereof.*—Whereas an act was passed in the session of parliament holden in the first and second years of the reign of her present majesty, intituled *an act to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof*: and whereas an act was passed in the last session of parliament, amending the said act; and it was thereby, among other things enacted, that in any petition to be presented under the said first mentioned act by her majesty's attorney general for *Ireland* to the court of chancery or exchequer in *Ireland*, or to the court of any assistant barrister or chairman, for the recovery of any arrears of tithe composition vested in her majesty under and by the operation of the provisions of the said act, it should be lawful to include all or any two or more of the persons in default who should be named and distinguished, in the schedule annexed to any memorial for relief presented to the lord lieutenant and privy council in *Ireland* under the said first mentioned act, as having such estates or interests as in the said act described in the lands charged with any composition due and in arrear, and that the court to which any such application might be made by petition might from time to time proceed thereon as against any one or more of the persons therein named as defaulters who should appear to have had due notice thereof, although such notice might not be proved to have been given to any other or others of the persons named therein: and whereas it is expedient, for the more cheap and easy recovery of the arrears of tithe compositions vested in her majesty as aforesaid, further to amend the said act; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in any petition to be presented under the said act or acts by the said attorney general to any of the said courts for the recovery of any arrears of tithe composition vested in her majesty as aforesaid, it shall be lawful to include all or any two or more of the persons in default who shall be named and distinguished, in the several schedules annexed to all or any two or more of the memorials presented to the said lord lieutenant and privy council for relief under the said act in respect of compositions for tithes charged upon or accrued due in respect of lands situate in one and the same diocese, or in any two or more united dioceses, as having in such lands respectively the estates or interests in the said first mentioned act described; and that it shall be lawful from time to time to amend any petition which may be filed under the said acts and this act, or any of them, by adding parties thereto.

Any number of defaulters may be included in one petition in respect of arrears due in the same diocese.

Petition may be amended.

II. And be it enacted, that the court to which application may be made by petition as aforesaid under the said recited acts and this act, or any of them, may from time to time proceed thereon as against all or any of the parties therein named as defaulters, although they or any of them may not have had notice of such petition previous to the filing of the same: provided always, that no such court shall make any order adjudicating upon the liability of any such party to pay any sum of money, or directing the payment of any sum of money by any such party, unless such previous notice shall have been served upon such party, or unless fourteen days notice that such petition has been filed, or that some order has been made appointing a time for the hearing thereof, shall have been first served upon such party.

Proceedings may be had on petition without notice; but orders for payments not to be made without notice.

III. And be it enacted, that any notice to be given or served in pursuance of the said act of the last session of parliament, or of this act, shall be given or served in the manner provided by the said first recited act in reference to the giving of notices thereunder: provided always, that in case any person who shall be proceeded against as such defaulter shall not have any place of abode in *Ireland*, or shall be a minor or lunatic, and in case there shall be an agent or receiver, committee or guardian, in actual receipt of the rents of the lands in respect of which the arrears shall be claimed as due, for which such proceeding shall be had, then and in such case such notice shall be given or served upon such agent or receiver, committee or guardian, or at his usual or last place of business or usual or last place of abode, or on such person or persons or in such manner as the court shall order.

Service of notices.

IV. And be it enacted, that this act and the two hereinbefore mentioned acts shall be construed together as one.

Acts to be construed together.

V. And be it enacted, that this act may be amended or repealed by any act to be passed during the present session of parliament.

Act may be amended, &c.

4 & 5 VICTORIA, CAP. 37.—*An act for the more easy recovery of arrears of compositions for tithes from persons of the persuasion of the people called Quakers in Ireland.*—Whereas by an act passed in the session of parliament holden in the first and second years of the reign of her present majesty, intituled *an act to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof*, the right in and to certain compositions for tithes therein mentioned was vested in her majesty: and whereas it is expedient to make provision, in manner hereinafter mentioned, for the recovery of such compositions (without limit as to the amount thereof) from persons of the persuasion of the people called *Quakers*; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in all cases in which the person liable to the payment of any composition for tithes, the right in and to which shall have vested in her majesty under any of the provisions of the said recited act, shall be of the persuasion of the people called *Quakers*, the same shall (without limit as to the amount) be recoverable by her majesty's attorney general for *Ireland*, in such manner only as by an act of the fifth and sixth years of the reign of his late majesty king

1 & 2 Vict. c. 109.

Arrears of compositions for tithes vested in her majesty under 1 & 2 Vict. c. 109, to be recovered from Quakers in like

manner as
rent charges
under that
act and
5 & 6 W. 4,
c. 74.

William the fourth, intituled *an act for the more easy recovery of tithes*, is expressly or by reference prescribed for the recovery of ecclesiastical demands of or under the value of fifty pounds from *Quakers* in *Ireland*, but with a like exception, as is contained in the said last recited act, in case the actual title of her majesty to such composition for tithes, or the amount thereof, or the liability or exemption of the property to or from the same, shall be *bonâ fide* in question; and in any case, except as aforesaid, in which the person so liable shall be of the persuasion aforesaid, and any other remedy or proceeding than those expressly or by reference prescribed by the said last mentioned act has heretofore been or shall hereafter be commenced or prosecuted against him, it shall be lawful for him, or any one on his behalf, to serve upon the said attorney general a declaration or notice in writing, stating that he is of the persuasion aforesaid, and such other remedy or proceeding shall be thereupon forthwith discontinued, and the costs previously incurred shall be taxed, and the said attorney general shall proceed to recover such composition by such remedy as in the said last recited act is provided, and shall be entitled to recover therewith, and as part thereof, the costs of such proceeding so discontinued; and such notice shall be evidence of the liability of the person by or on whose behalf the same may have been given, and of his being of the persuasion aforesaid: provided always, that nothing herein contained shall affect the validity of any proceeding which shall have been instituted or commenced before the passing of this act, unless and until such declaration or notice in writing as aforesaid shall be served upon the said attorney general: and provided further, that if upon any such proceeding a sufficient distress cannot be found to satisfy the said composition for tithes, and the costs (if any), together with the reasonable costs of distress, then the other remedies provided or allowed by the said recited act of the first and second years of her majesty's reign may be resorted to, in the same manner as if the persons liable to the payment were not of the said persuasion of people called *Quakers*: provided also, that in no case whatever shall any execution or decree or order issue or be made in respect of any such tithe composition against the person of any defendant being of the persuasion of the people called *Quakers*.

Intrepretation
clause.

II. And be it enacted, that the provisions made by the said recited act of her present majesty for the interpretation of certain words and expressions therein shall apply to and extend to the like words and expressions in this act; and that the said recited act and this act shall be construed together as one act.

Act may be
amended,&c.

III. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

SPACE LEFT

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

TITHES, CITY OF LONDON.

27 HENRY 8, CAP. 20, SEC. 2.—*For tithes to be paid throughout this realm.*—See Title—"TITHES, ENGLAND," vol. v. p. 3.

27 HENRY 8, CAP. 21.—*An act for the payment of tithes within the city and suburbs of London, until another law and order shall be made and published for the same.* EXP.

37 HENRY 8, CAP. 12.—*An act for tithes in London.*—Where of late time contention, strife and variance hath arisen and grown within the city of *London*, and the liberties of the same, between the parsons, vicars and curates of the said city, and the citizens and inhabitants of the same, for and concerning the payment of tithes, oblations and other duties within the said city and liberties: for appeasing whereof, a certain order and decree was made thereof by the most reverend father in God *Thomas* archbishop of *Canterbury*, metropolitan, chief primate of all *England*, *Thomas Audley* knight, lord *Audley* of *Walden*, and then lord chancellor of *England*, now deceased, and other of the king's majesty's most honourable privy council; and also the king's letters patents and proclamation was made thereof, and directed to the said citizens concerning the same; whereupon it was after enacted in the parliament holden at *Westminster* by prorogation the fourth day of *February* in the twenty-seventh year of the king's majesty's most noble reign, by authority of the same parliament, that the citizens and the inhabitants of the same city should, at *Easter* then next coming, pay unto the curates of the said city and suburbs, all such and like sums of money for tithes, oblations and other duties, as the said citizens and inhabitants by the order of the said late lord chancellor, and other of the king's most honourable council, and the king's said proclamation, paid or ought to have paid by force and virtue of the said order at *Easter*, which was in the year of our Lord God one thousand five hundred and thirty-five, and the same payments so to continue from time to time, until such time as any other order or law should be made, published, ratified and confirmed by the king's highness, and the two and thirty persons by his grace to be named, as well for the full establishment concerning the payment of all tithes, oblations, and other duties of the inhabitants within the said city, suburbs and liberties of the same, as for the making of other ecclesiastical laws of this realm of *England*, and that every person denying to pay, as is aforesaid, should, by the commandment of the mayor of *London* for the time being, be committed to prison, there to remain until such time as he or they should have agreed with the curate or curates for their said tithes, oblations and other duties, as is aforesaid, as in the said act more plainly appeareth: sithen which act divers variances, contentions and strifes are newly risen and grown between the said parsons, vicars and curates, and the said citizens and inhabitants, touching the payments of the tithes, oblations and other duties, by reason of certain words and terms specified in the said order, which

22 & 23 Car.
2, c. 15.

A rehearsal
of the statute
of 27 H. 8,
c. 21, con-
cerning the
payment of
tithes in Lon-
don.
18 Ed. 3, stat.
3, c. 7.
45 Ed. 3, c. 3.
5 H. 4, c. 11.

Arbitrators
chosen be-
tween the
parsons, vi-
cars and
curates of
London, and
the citizens
and inhabi-
tants of the
same, touch-
ing the pay-
ment of
tithes.

The penalty
of them
which refuse
to pay their
tithes accord-
ing to the
arbitrators
decree.
Vin. v. 8, 586.

are not so plainly and fully set forth, as is thought convenient and meet to be; for appeasing whereof, as well the said parsons, vicars and curates, as the said citizens and inhabitants, have compromitted and put themselves to stand to such order and decree touching the premises, as shall be made by the said right reverend father in God, *Thomas* archbishop of *Canterbury*, metropolitan and primate of *England*, the right honourable sir *Thomas Wrythesly* knight, lord *Wrythesly*, and lord chancellor of *England*, the right honourable *Thomas* duke of *Norfolk*, lord treasurer of *England*, the right honourable sir *William Paulet* knight, lord *St. John*, lord president of the council, and lord great master of the king's most honourable household, the right honourable sir *John Russel* knight, lord *Russel* and lord privy seal, the right honourable *Edward* earl of *Hertford*, lord great chamberlain of *England*, the right honourable *John* viscount *Lisle*, high admiral of *England*, sir *Richard Lister* knight, chief justice of *England*, sir *Edward Montague* knight, chief justice of the common bench at *Westminster*, and sir *Roger Cholmely* knight, chief baron of the exchequer, for a final end and conclusion to be had and made touching the premises for ever. And to the intent to have a full peace and perfect end between the said parties, their heirs and successors, touching the said tithes, oblations and other duties for ever, be it enacted by the authority of this present parliament, that such end, order and direction, as shall be made, decreed, and concluded by the forenamed archbishop, lords and knights, or any six of them, before the first day of *March* next ensuing, of, for, and concerning the payments of the tithes, oblations and other duties within the said city, and the liberties of the same, and enrolled in the kings' high court of chancery of record, shall stand, remain, and be as an act of parliament, and shall bind as well all citizens and inhabitants of the said city and liberties for the time being, as the said parsons, vicars, curates, and their successors for ever, according to the effect, purport and intent of the said order and decree so to be made and enrolled; and that every person denying to pay any of his or their tithes, oblations or other duties, contrary to the said decree so to be made, shall, by the commandment of the mayor of *London* for the time being, and in his default or negligence, by the lord chancellor of *England* for the time being, be committed to prison, there to remain till such time as he or they have agreed with the curate and curates for his or their said tithes, oblations and other duties as is aforesaid.

The Decree.

Cro. El. 276.
1 Cro. 596.

II. **A**S touching the payment of tithes in the city of *London*, and the liberties of the same, it is fully ordered and decreed by the most reverend father in God, *Thomas* archbishop of *Canterbury*, primate and metropolitan of *England*, *Thomas* lord *Wrythesly*, lord chancellor of *England*, *William* lord *St. John*, president of the king's majesty's council, and lord great master of his highness' household, *John* lord *Russel*, lord privy seal, *Edward* earl of *Hertford*, lord great chamberlain of *England*, *John* viscount *Lisle*, high admiral of *England*, *Richard Lister* knight, chief justice of *England*, and *Roger Cholmely* knight, chief baron of his grace's exchequer, this present twenty-fourth day of *February*, anno domini,

secundum cursum & computationem ecclesiæ Anglicanæ, millesimo quingentesimo quadragésimo quinto, according to the statute in such case lately provided, that the citizens and inhabitants of the said city of *London* and liberties of the same, for the time being, shall yearly without fraud or covin for ever pay their tithes to the parsons, vicars and curates of the said city, and their successors for the time being, after the rate hereafter following, that is to wit, of every ten shillings rent by the year of all and every house and houses, shops, warehouses, cellars, stables, and every of them within the said city and liberty of the same, sixteen-pence. ob. And every of twenty shillings rent by the year of all and every such house and houses, shops, warehouses, cellars and stables, and every of them within the said city and liberties, two shillings and nine-pence. And so above the rent of twenty shillings by the year, ascending from ten shillings to ten shillings according to the rate aforesaid.

Parsons, vicars, curates, tithes.

III. Item, that where any lease is or shall be made of any dwellinghouse or houses, shops, warehouses, cellars or stables, or any of them, by fraud or covin, reserving less rent than hath been accustomed, or is, or that any such lease shall be made without any rent reserved upon the same, by reason of any fine or income paid beforehand, or by any other fraud or covin; that then in every such case the tenant or farmer, tenants and farmers thereof shall pay, for his or their tithes of the same after the rate aforesaid, according to the quality of such rent or rents, as the same house or houses, shops, warehouses, cellars or stables, or any of them were last let for, without fraud or covin, before the making of such lease.

Co. Inst.
2 Par. 659.

IV. Item, that every owner or owners, inheritor or inheritors, of any dwellinghouse or houses, shops, warehouses, cellars or stables, or any of them, within the said city and liberties, inhabiting or occupying the same himself, or themselves, shall pay after such rate for tithes as is abovesaid, after the quantity of such yearly rent as the same was last let for, without fraud or covin.

V. Item, if any person or persons have taken, or hereafter shall take any mease or mansion place by lease, and the taker or takers thereof, his or their executors or assigns, doth or shall inhabit in any part thereof, and have or hath within eight years last past before this order, or hereafter will or shall let out the residue of the same; that then in such case the principal farmer or farmers, or first taker or takers thereof, his or their executors or assigns, shall pay his or their tithes after the rate aforesaid, according to his or their quantity therein, and that his or their executors, assignee or assignees, shall pay his or their tithes after the rate abovesaid, according to the quantity of their rent by year.

Leases.

VI. And that if any person or persons have, or shall take divers mansionhouses, shops, warehouses, cellars or stables, in one lease, and letteth or shall let out one or more of the said houses, and keepeth or shall keep one or more in his or their own hands, and inhabiteth or inhabit in the same; that then the said taker or takers, and his and their executors or assigns shall pay his or their tithes after the rate abovesaid, according to the quantity of the yearly rent of such mansionhouse or houses, retained in his or their hands; and that his assignee or assignees of the residue of the said mansion-

house or houses, shall pay his or their tithes after the rate abovesaid according to the quantity of their yearly rents.

VII. Item, if such farmer or farmers, or his or their assigns of any mansionhouse or houses, warehouses, shops, cellars or stables, hath at any time within eight years last past, or shall hereafter, let over all the said mansionhouse or houses contained in his or their lease, to one person or to divers persons; that then the inhabitants, lessees, or occupiers of them, and every of them, shall pay their tithes after the rate of such rents as the inhabitants, lessees or occupiers, and their assignee or assignees have been or shall be charged withal, without fraud or covin.

VIII. Item, if any dwellinghouse, within eight years last past, was or hereafter shall be converted into a warehouse, storehouse, or such like, or if a warehouse, storehouse, or such like, within the said eight years, was or hereafter shall be converted into a dwellinghouse; that then the occupiers thereof shall pay tithes for the same, after the rate above declared of mansionhouse rents.

IX. Item, that where any person shall demise any dye-house or brewhouse, with implements convenient and necessary for dying or brewing, reserving a rent upon the same, as well in respect of such implements, as in respect of such dyehouse or brewhouse; that then the tenant shall pay his tithes after such rate as is abovesaid, the third penny abated: and that every principal house or houses, with key or wharf, having any crane or gibbet belonging to the same, shall pay after the like rate of their rents, as is aforesaid, the third penny abated; and that other wharfs belonging to houses having no crane or gibbet, shall pay for his tithes as shall be paid for mansionhouses, in form aforesaid.

X. Item, that where any mansionhouse with a shop, stable, warehouse, wharf with crane, timber-yard, teinter-yard, or garden belonging to the same, or as parcel of the same, is or shall be occupied together, that if the same be hereafter severed or divided, or at any time within eight years last past were severed or divided; that then the farmer or farmers, occupier or occupiers thereof, shall pay such tithes as is abovesaid, for such shops, stable, warehouses, wharf with crane, timber-yard, teinter-yard or garden aforesaid, so severed or divided, after the rate of their several rents thereupon reserved.

XI. Item, that the said citizens and inhabitants shall pay their tithes quarterly, that is to say, at the feast of *Easter*, the Nativity of *St. John Baptist*, the Feast of *St. Michael* the archangel, and the Nativity of our *Lord*, by even portions.

XII. Item, that every householder paying ten shillings rent or above, shall, for him or herself, be discharged of their four offering-days; but his wife, children, servant, or others of their family, taking the rights of the church at *Easter*, shall pay twopence for their four offering-days yearly.

XIII. Provided always, and it is decreed, that if any house or houses which hath been or hereafter shall be let for ten shillings rent by year, or more, be or hath at any time within eight years last past, or hereafter shall be, divided and leased into small parcels or members, yielding less yearly rent than ten shillings by the year; that then the owner or owners, if he or they dwell in any part of

such house, or else the principal lessee and lessees, if the owner or owners do not dwell in some part of the same, shall from henceforth pay for his or their tithes after such rate of rent as the same house was accustomed to be let for, before such division or dividing into parts or members; and the under farmer and farmers, lessee and lessees, to be discharged of all tithes for such small parcels, parts or members, rented at less yearly rent than ten shillings by year without fraud or covin, paying twopence yearly for four offering-days.

XIV. Provided alway, and it is decreed, that for such gardens as appertain not to any mansionhouse, and which any person or persons holdeth or shall hold in his or their hands for pleasure, or to his own use; that the then person so holding the same, shall pay no tithes for the same: but if any person or persons, which holdeth, or shall hold any such garden, containing half an acre or more, doth or shall make any yearly profit thereof by way of sale; that then he or they shall pay tithes for the same, after such rate of his rent, as is herein first above specified.

XV. Provided also, that if any such gardens now being of the quantity of half an acre, or more, be hereafter by fraud or covin divided into less quatity or quantities, then to pay tithe according to the rate abovesaid.

XVI. Provided alway, that this decree shall not extend to the houses of great men, or noble men, or noble women, kept in their own hands, and not let for any rent, which in times past hath paid no tithes, so long as they shall so continue unlet; nor to any halls of crafts or companies, so long as they be kept unlet, so that the same halls in times past have not used to pay any tithes.

XVII. Provided always, and it is decreed, that this present order and decree shall not in anywise extend to bind or charge any sheds, stables, cellars, timber-yards, nor teinter-yards, which were never parcel of any dwellinghouse, nor appertaining nor belonging to any dwelling-house, nor have been accustomed to pay any tithes; but that the said citizens and inhabitants shall thereof be quit of payment of any tithes, as it hath been used and accustomed.

XVIII. Provided also and it is decreed, that where less sum than after sixteenpence half-penny in the ten shillings rent, or less sum than two shillings ninepence in the twenty shillings rent, hath been accustomed to be paid for tithes; that then in such places the said citizens and inhabitants shall pay but only after such rate as hath been accustomed.

XIX. Item, it is also decreed, that if any variance, controversy, or strife, do or shall hereafter arise in the said city for nonpayment of any tithes; or if any variance or doubt arise upon the true knowledge or division of any rent or tithes, within the liberties of the said city, or of any extent or assessment thereof, or if any doubt arise upon any other thing contained within this decree; that then upon complaint made by the party aggrieved, to the mayor of the city of *London* for the time being, the said mayor by the advice of council, shall call the said parties before him, and make a final end in the same, with costs to be awarded by the discretion of the said mayor and his assistants, according to the intent and purport of this present decree.

XX. And if the said mayor make not an end thereof within two months after complaint to him made, or if any of the said parties find themselves aggrieved, that then the lord chancellor of *England* for the time being, upon complaint to him made within three months then next following, shall make an end in the same, with such costs to be awarded as shall be thought convenient, according to the intent and purport of the said decree.

XXI. Provided always, that if any person or persons take any tenement for a less rent than it was accustomed to be let for, by reason of great ruin or decay, brenning, or such like occasions or misfortunes; that then such person or persons, his executors, or assigns shall pay tithes only after the rate of the rent reserved in his or their lease, and none otherwise, as long as the same lease shall endure.

2 & 3 EDWARD 6, CAP. 13, SEC. 12.—*An act for payment of tithes.*—See Title—"TITHES, ENGLAND," vol. v. p. 9.

22 CHARLES 2, CAP. 11, SEC. 70.—*An additional act for the rebuilding of the city of London, uniting of parishes, and rebuilding of the cathedral and parochial churches within the said city.*

LXX. Provided always, that it shall and may be lawful to and for the warden and minor canons of *Saint Paul's church, London*, parson and proprietors of the rectory of the parish of *Saint Gregories* aforesaid, to receive and enjoy all tithes, oblations and duties arising or growing due within the said parish, in as large and beneficial manner as formerly they have or lawfully might have done; any thing herein to the contrary notwithstanding.

22 & 23 CHARLES 2, CAP. 15.—*An act for the better settlement of the maintenance of the parsons, vicars and curates, in the parishes of the city of London burnt by the late dreadful fire there.*—Whereas the tithes in the city of *London* were levied and paid with great inequality, and are since the late dreadful fire there, in the rebuilding of the same, by taking away of some houses, altering the foundations of many, and the new erecting of others, so disordered, that in case they should not for the time to come be reduced to a certainty, many controversies and suits of law might thence arise; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the annual certain tithes of all and every parish and parishes within the said city of *London* and the liberties thereof, whose churches have been demolished, or in part consumed, by the late fire, and which said parishes by virtue of an act of this present parliament, intituled *an additional act for rebuilding of the city of London, uniting of parishes, and rebuilding of the cathedral and parochial churches within the said city*, remain and continue single, as heretofore they were, or are by the said act annexed or united into one parish respectively, shall be as followeth; (that is to say) the annual certain tithes, or sum of money in lieu of tithes:

II. Of the parish of *Alhallows Lombard-street*; one hundred and ten pounds.

2. Of *St. Bartholomew Exchange*; one hundred pounds.

3. Of *St. Bridget, alias Brides*; one hundred and twenty pounds.

4. Of *St. Bennet Fink*; one hundred pounds.

22 Car. 2,
c. 11,

4 & 5 Anne,
c. 27.

5. Of St. Michael Crooked-lane; one hundred pounds.
6. Of St. Christopher; one hundred and twenty pounds.
7. Of St. Dionis Back-church; one hundred and twenty pounds.
8. Of St. Dunstan in the East; two hundred pounds.
9. Of St. James Garlick-hythe; one hundred pounds.
10. Of St. Michael Cornhill; one hundred and forty pounds.
11. Of St. Michael Bassishaw; one hundred thirty and two pounds and eleven shillings.
12. Of St. Margaret Lothbury; one hundred pounds.
13. Of St. Mary Aldermanbury; one hundred and fifty pounds.
14. Of St. Martin Ludgate; one hundred and sixty pounds.
15. Of St. Peter Cornhill; one hundred and ten pounds.
16. Of St. Stephen Coleman-street; one hundred and ten pounds.
17. Of St. Sepulchre; two hundred pounds.
18. Of Alhallows Bread-street, and St. John Evangelist; one hundred and forty pounds.
19. Of Alhallows the Great, and Alhallows the Less; two hundred pounds.
20. Of St. Albans Wood-street, and St. Olaves Silver-street; one hundred and seventy pounds.
21. Of St. Anne and Agnes, and St. John Zachary; one hundred and forty pounds.
22. Of St. Augustin and St. Faith; one hundred seventy and two pounds.
23. Of St. Andrew Wardrobe, and St. Anne Blackfriars; one hundred and forty pounds.
24. Of St. Antholin, and St. John Baptist; one hundred and twenty pounds.
25. Of St. Bennet Grace-church, and St. Leonard Eastcheap; one hundred and forty pounds.
26. Of St. Bennet Paul's-wharf, and St. Peter Paul's-wharf; one hundred pounds.
27. Of Christ-church, and St. Leonard Foster-lane; two hundred pounds.
28. Of St. Edmond the king, and St. Nicholas Acons; one hundred and eighty pounds.
29. Of St. George Botolph-lane, and St. Botolph Billingsgate; one hundred and eighty pounds.
30. Of St. Lawrence Jury, St. Magdalen Milk-street; one hundred and twenty pounds.
31. Of St. Magnus, and St. Margaret New Fish-street; one hundred and seventy pounds.
32. Of St. Michael Royal, and St. Martin Vintry; one hundred and forty pounds.
33. Of St. Matthew Friday-street, and St. Peter Cheap; one hundred fifty pounds.
34. Of St. Margaret Pattons, and St. Gabriel Fen-church; one hundred and twenty pounds.
35. Of St. Mary at Hill, and St. Andrew Hubbard; two hundred pounds.
36. Of St. Mary Woolnoth, and St. Mary Wool-church; one hundred and sixty pounds.

37. Of St. Clement Eastcheap, and St. Martin Orgars; one hundred and forty pounds.
38. Of St. Mary Abchurch, and St. Lawrence Poutney; one hundred and twenty pounds.
39. Of St. Mary Aldermary, and St. Thomas Apostles; one hundred and fifty pounds.
40. Of St. Marylebow, St. Pancras Soper-lane, and Alhallows Honey-lane; two hundred pounds.
41. Of St. Mildred Poultry, and St. Mary Cole-church; one hundred and seventy pounds.
42. Of St. Michael Wood-street, and St. Mary Staining; one hundred pounds.
43. Of St. Mildred Bread-street, and St. Margaret Moses; one hundred and thirty pounds.
44. Of St. Michael Queenhyth, and Trinity; one hundred and sixty pounds.
45. Of St. Magdalen Old Fish-street, and St. Gregory; one hundred and twenty pounds.
46. Of St. Mary Somerset, and St. Mary Mounthaw; one hundred and ten pounds.
47. Of St. Nicholas Coleabby, and St. Nicholas Olaves; one hundred and thirty pounds.
48. Of St. Olave Jewry, and St. Martin Ironmonger-lane; one hundred and twenty pounds.
49. Of St. Stephen Walbrook, and St. Bennet Sheerhog; one hundred pounds.
50. Of St. Swythyn and St. Mary Bothaw; one hundred and forty pounds.
51. Of St Veda, alias Fosters, and St. Michael Quern; one hundred and sixty pounds.

The rate
tithes shall
be paid, be-
sides glebes,
perquisites
and bequests

III. Which respective sums of money to be paid in lieu of tithes within the said respective parishes, and assessed as hereinafter is directed, shall be and continue to be esteemed, deemed, and taken to all intents and purposes, to be the respective certain annual maintenance (over and above glebes and perquisites, gifts and bequests to the respective parson, vicar and curate of any parish for the time being, or to his or their respective successors, or to other persons for his or their use) of the said respective parsons, vicars and curates, who shall be legally instituted, inducted and admitted into the respective parishes aforesaid.

Who to make
the assess-
ments, and
when.

IV. And that the said several sums of money for tithes may be more equally assessed upon the several houses, buildings, and all other hereditaments whatsoever, within all the said respective parishes; be it enacted by the authority aforesaid, that the aldermen of such respective ward or wards, within the said city, wherein any of the said parishes respectively lie, and his or their deputy or deputies, and the common councilmen of such respective ward or wards, with the churchwardens, and one or more of the parishioners of such respective parish, wherein the maintenance aforesaid is respectively to be assessed, to be nominated by such respective alderman, deputy, common councilmen and churchwardens, or any five of them, whereof the alderman or his deputy to be one, shall at some convenient and

seasonable time before the twentieth day of *May* in the year of our Lord God one thousand six hundred and seventy-one, assemble and meet together in some convenient place within every of the respective parishes, in such respective ward wherein the maintenance aforesaid is to be assessed; and they or the major part of them, so assembled, shall proportionably assess upon all houses, shops, warehouses and cellars, wharfs, quays, cranes, water houses, (which water houses shall pay in their respective parishes where they stand, and not elsewhere) and tofts of ground remaining unbuilt, and all other hereditaments whatsoever, (except parsonage and vicarage houses), the whole respective sum by this act appointed, or so much of it as is more than what each impropiator is by this act enjoined respectively to allow, in the most equal way that the said assessors according to the best of their judgments can make it; which said assessments shall be made and finished before the four and twentieth day of *July* then next ensuing.

V. And be it further enacted by the authority aforesaid, that if any variance or doubt shall happen to arise about any sum so assessed as aforesaid, or that any parishioner or parishioners, or owner or owners of any house, shop, warehouse or cellar, wharf, quay, crane, water house, toft of ground or other hereditament within any of the said parishes, shall find himself or themselves aggrieved by the assessing of any sum or sums of money in manner and form aforesaid; that then upon complaint made by the party or parties aggrieved to the lord mayor and court of aldermen of the said city, within fourteen days after notice given to the party or parties assessed or such assessment made, the said lord mayor and court of aldermen, summoning as well the party or parties aggrieved, as the alderman and such others as made the said assessment, shall hear and determine the same in a summary way, and the judgment by them given shall be final and without appeal.

VI. Provided always, and be it enacted, that any assessment or rate to be made or laid by virtue of this act, shall or may in all or any the parishes aforesaid, in like manner be reviewed or altered or laid again within three months after the twenty-fourth day of *June* one thousand six hundred and seventy-four, according to the aforesaid rules, and any such assessment or rate shall or may be again reviewed or reassessed within three months after the twenty-fourth day of *June* in the year of our Lord one thousand six hundred eighty-one; and that all and every such new assessment and rate shall be liable to the like appeals as aforesaid, and shall be collected, levied and paid as any other assessment or rate mentioned in this act, may or ought to be.

VII. And if the said alderman, deputy, common councilmen and parishioner or parishioners so appointed as aforesaid, shall after summons and request made in that behalf unto them by the lord mayor and court of aldermen, or the incumbent or incumbents of any of the said respective parish or parishes, refuse and neglect to meet and make such assessments as aforesaid; then it shall and may be lawful to and for such person or persons as shall be thereunto authorized and required by the said lord mayor and court of aldermen, to make such assessment as by the said aldermen, deputy,

If any variance arise upon the assessments, who to determine it.

A review, if occasion be, of any assessment.

If the persons appointed by this act refuse to act, then others to be chosen by the lord mayor, &c.

common councilmen, churchwardens, parishioner or parishioners aforesaid, should or ought to have been made.

Three transcripts thereof to be made by the assessors.

One to be returned to the lord mayor.

Another to the bishop of London's registry. The other to remain in the vestry.

When the same money shall be paid, and to whom.

Impropriators to make the same allowances they did before the fire.

Upon refusal of payment, how to levy it.

VIII. And be it further enacted by the authority aforesaid, that the said assessors within ten days after such assessments made, and the respective appeals (if any be) determined, shall make three transcripts thereof in parchment, containing the respective sums to be payable or appointed to be paid out of all and every the premises within such respective parish, and subscribe the same under their hands, and within twenty days after such subscription as aforesaid; one of the said transcripts shall be returned to the lord mayor of the city of *London* to be kept and preserved by the said lord mayor, in and among the records of the said city, for a perpetual memorial thereof; and another of the said transcripts shall be returned into the registry of the lord bishop of *London*, to be kept and preserved as aforesaid; and the other of the said transcripts shall remain and be kept in the vestry of such respective parish for a perpetual memorial as aforesaid.

IX. And for the surer and better payment of the said respective sums of money so to be assessed and taxed towards the raising of the said maintenance of the respective parsons, vicars and curates of the said respective parishes as aforesaid; be it further enacted by the authority aforesaid, that all and every such respective sum and sums of money so to be assessed and taxed as aforesaid, towards the raising of the said maintenance of the said respective parsons, vicars and curates of the said respective parishes, shall be paid to the said respective parsons, vicars and curates and their successors respectively, at the four most usual feasts, (that is to say) at the annunciation of the *Blessed Virgin Mary*, the Nativity of *Saint John Baptist*, the Feast of *Saint Michael* the archangel and the Nativity of our Blessed Saviour, or within fourteen days after each of the feasts aforesaid, by equal payments; the respective payments thereof to begin and commence only from such time and times as the incumbent or incumbents of such respective parish shall begin to officiate or preach as incumbent or parson in the respective church belonging to such respective parish, or in some other convenient place or places in such respective parish or parishes to be nominated or appointed by the lord bishop of *London* for the time being, or by the archbishop of *Canterbury* in any place within his peculiars.

X. And in any parish or parishes where any impropriations be, be it enacted by the authority aforesaid, that all and every the impropriator or impropriators of any of the said parishes shall pay and allow what really and *bonâ fide* they have used and ought to pay and satisfy to the respective incumbent of such respective parish at any time before the said late fire, and the same shall be esteemed and computed as part of the maintenance of such incumbent; notwithstanding this act or any clause or matter or thing therein contained.

XI. And be it further enacted by the authority aforesaid, that if any the inhabitants in any the respective parish or parishes as aforesaid shall or do refuse or neglect to pay to the respective incumbents aforesaid of any of the said respective parishes, any sum or sums of money to him respectively payable or appointed to be by this act or any part thereof, contrary to the true intent and meaning of this act,

(being lawfully demanded at the house or houses, wharf, quay, crane, cellar or other premises whereout the same is payable) that then it shall and may be lawful to and for the lord mayor of the city of *London* for the time being, upon oath to be made before him of such refusal or neglect, to give and grant out warrants for the officer or person appointed to collect the same, with the assistance of a constable in the day-time, to levy the same tithes or sums of money so due and in arrear and unpaid, by distress and sale of the goods of the party or parties so refusing or neglecting to pay, restoring to the owner or owners the overplus of such goods, over and above the said arrears of the said monies so due and unpaid, and the reasonable charges of making such distress, which he is to deduct out of the monies raised by sale of such goods.

XII. Provided always, and be it enacted, that in case the lord mayor or court of aldermen shall refuse or neglect to execute any of the respective powers to them by this act granted, or to perform all and every such thing relating either to the assessing or levying of the respective sums aforesaid, as they are by this act authorized and required to perform, that then it shall and may be lawful for the lord chancellor or lord keeper of the great seal of *England* for the time being, or any two or more of the barons of his majesty's court of exchequer, by warrant or warrants under his or their respective hands and seals, to do and perform what the said lord mayor and court of aldermen, according to the true intent or meaning of this present act, might or ought to have done, and by such warrant, either to empower any person or persons to make the respective assessments, as aforesaid, or to authorize the respective officers or persons appointed to collect the sums aforesaid, to levy the same by distress and sale of the goods of any person or persons that shall refuse or neglect to pay the same in manner and form aforesaid.

If the lord mayor refuse to execute this act, then who are appointed to execute it.

XIII. Provided always, and be it enacted, that where any of the parishes within the said city have since the late fire, by death or otherwise, become vacant, the surviving or remaining incumbent of the other parish thereto united, or therewith consolidated, shall have and enjoy, and have like remedy to recover the tithes hereby settled to be paid, as if he had been actually presented, admitted, instituted and inducted into both the said parishes, since union and consolidation thereof.

XIV. Provided always, that no court or judge ecclesiastical or temporal shall hold plea of or for any the sum or sums of money due and owing, or to be paid by virtue of this act, or any part thereof, other than the persons hereby authorized to have cognizance thereof: nor shall it be lawful to or for any parson, vicar, curate, or incumbent, to convent or sue any person or persons assessed as aforesaid, and refusing or neglecting to pay the same, in any court or courts, or before any judge or judges, other than what are authorized and appointed by this act, for the hearing and determining of the same, in manner aforesaid.

No court whatsoever shall hold plea for any duty arising upon this act

XV. Provided always, that it shall and may be lawful to and for the warden and minor canons of *Saint Paul's* church, *London*, parson and proprietors of the rectory of *Saint Gregory* aforesaid, to receive and enjoy all tithes, oblations, and duties arising or growing due

An exception for St. Gregory's church out of this act.

within the said parish, in as large and beneficial manner as formerly they have or lawfully might have done; any thing herein to the contrary notwithstanding.

7 & 8 WILLIAM 3, CAP. 6, SEC. 5.—*An act for the more easy recovery of small tithes.*—See Title—"TITHES, ENGLAND," vol. v. p. 12.

PR.

4 ANNE, CAP. 27.—*An act for the impropriate tithes of the parish of Saint Bridget alias Brides, London.*

21 GEORGE 3, CAP. 71.—*An act for vesting the parish church of Saint Christopher-le-Stocks, in the city of London, and the materials and site thereof, and the churchyard thereto adjoining, in the governor and company of the bank of England, and their successors for ever; and for uniting the said parish to the parish of Saint Margaret Lothbury, in the said city.*—Preamble. Recital of 4 Geo. 3, cap. 49. 5 Geo. 3, cap. 91. 6 Geo. 3, cap. 76. Parish church of *Saint Christopher-le-Stocks* and churchyard vested in the bank. Sheriffs of *London* to summon a jury, to settle and ascertain the value to be paid by the bank. Witnesses may be examined on oath. Verdict of jury, &c. to be final. Purchase money to be applied in discharge of debts contracted by the parish. Remainder to be invested in purchase of houses, &c. or in government or real security, in the names of bishop of London, rector and churchwardens. The rents, &c. to repair church of *Saint Margaret Lothbury* and parsonage house thereto, and remainder as trustees shall direct. Parish of *Saint Christopher's* united to the parish of *Saint Margaret Lothbury*. Incumbent to enjoy all tithes, &c. Survivor of the present incumbents to enjoy both livings. Not to affect the lord chancellor's right of presentation. Power of removing bodies. Power of removing monuments, &c. The parishes to be kept distinct. The patrons to have alternate presentation. Rector of *Saint Christopher* to allow the rector of *Saint Margaret* for doing duty. Plate and goods belonging to *Saint Christopher's* to be enjoyed by the churchwardens of *Saint Margaret*. Indemnity to the rector for not reading the thirty-nine articles. Vaults to be made in the churchyard. The bank to purchase a new burial ground. The parish of *Saint Christopher* to contribute to the repair of *Saint Margaret's* church, &c. All donations &c. to continue as heretofore. Service at *Saint Margaret's* to be effectual. Recital of the proviso in the 5 Geo. 3, respecting the providing a parsonage house. The said proviso repealed. Reciting, that doubts may raise concerning future tithes, &c. Bank to be charged with all tithes, taxes, &c. in the same proportion as the other parts of the parish now pay. A rent of thirty shillings a year to be paid to the rector in lieu of a passage to his vault. General saving. Public act.

44 GEORGE 3, CAP. 89.—*An act for the relief of certain incumbents of livings in the city of London.*—"Recital of 22 & 23 C. 2, c. 15."—

21 G. 3, c. 71.

And whereas, since the passing of the said recited act the rectory of the aforesaid parish of *Saint Christopher* hath, by an act passed in the twenty-first year of the reign of his present majesty, been united to the rectory of the aforesaid parish of *Saint Margaret Lothbury*, and there is now but one incumbent of the said united rectories: and whereas the said recited act hath failed in providing a proper

maintenance for the parsons, vicars, and curates in the said parishes, inasmuch as the respective incomes being by the said act fixed at very low rates, the same are, by the decreased value of money, the enhanced price of all the necessaries of life, and by various other circumstances peculiarly attached to the incumbents of the city of *London*, become greatly insufficient for the due support of their situation and character; it hath been therefore deemed expedient for their relief to make such alterations in the said in part recited act as are hereinafter expressed and contained; be it therefore enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that instead of the annual tithes of all and every parish and parishes within the city of *London* and the liberties thereof, whose churches were demolished or in part consumed by the fire mentioned in the said recited act, the annual certain tithes or sums of money in lieu of tithes, of and for the parish and parishes within the said city and liberties hereinafter enumerated, shall, from and after the twenty-ninth day of *September* one thousand eight hundred and four, be as follows; (that is to say),

The annual tithes of the parishes within the city of *London* shall be increased as here stated.

- Of the parish of Alhallows Lombard-street, two hundred pounds;
- Of Saint Bartholomew Exchange, two hundred pounds;
- Of Saint Bridget, alias Brides, two hundred pounds;
- Of Saint Bennet Fink, two hundred pounds;
- Of Saint Michael Crooked-lane, two hundred pounds;
- Of Saint Dionis Back-church, two hundred pounds;
- Of Saint Dunstan in the East, three hundred and thirty-three pounds six shillings and eight-pence;
- Of Saint James Garlick-hythe, two hundred pounds;
- Of Saint Michael Cornhill, two hundred and thirty-three pounds six shillings and eight-pence;
- Of Saint Michael Bassishaw, two hundred and twenty pounds eighteen shillings and four-pence;
- Of Saint Mary Aldermanbury, two hundred and fifty pounds;
- Of Saint Martin Ludgate, two hundred and sixty-six pounds thirteen shillings and four-pence;
- Of Saint Peter Cornhill, two hundred pounds;
- Of Saint Stephen Coleman-street, two hundred pounds;
- Of Saint Sepulchre, three hundred and thirty-three pounds six shillings and eight-pence;
- Of Alhallows Bread-street, and Saint John Evangelist, two hundred and thirty-three pounds six shillings and eight-pence;
- Of Alhallows the Great, and Alhallows the Less, three hundred and thirty-three pounds six shillings and eight-pence;
- Of Saint Albans Wood-street and Saint Olaves Silver-street, two hundred and eighty-three pounds six shillings and eight-pence;
- Of Saint Anne and Agnes, and Saint John Zachary, two hundred and thirty-three pounds six shillings and eight-pence;
- Of Saint Augustin and Saint Faith, two hundred and eighty-six pounds thirteen shillings and four-pence;
- Of Saint Andrew Wardrobe and Saint Anne Blackfriars, two hundred and thirty-three pounds six shillings and eight-pence;

Of Saint Antholin and Saint John Baptist, two hundred pounds;
Of Saint Bennet Grace-church and Saint Leonard Eastcheap, two hundred and thirty-three pounds six shillings and eight-pence;

Of Saint Bennet Paul's-wharf, and Saint Peter Paul's-wharf, two hundred pounds;

Of Christ-church and Saint Leonard Foster-lane, three hundred and thirty-three pounds six shillings and eight-pence

Of Saint Edmond the king, and Saint Nicholas Acons, three hundred pounds;

Of Saint George Botolph-lane and Saint Botolph Billingsgate, three hundred pounds;

Of Saint Lawrence Jury and Saint Magdalen Milk-street, two hundred pounds;

Of Saint Margaret Lothbury and Saint Christopher, three hundred and sixty-six pounds thirteen shillings and four-pence;

Of Saint Magnus and Saint Margaret New Fish-street, two hundred and eighty-three pounds six shillings and eight-pence;

Of Saint Michael Royal, and Saint Martin Vintry, two hundred and thirty-three pounds six shillings and eight-pence;

Of Saint Matthew Friday-street and Saint Peter Cheap, two hundred and fifty pounds;

Of Saint Margaret Pattons and Saint Gabriel Fen-church, two hundred pounds;

Of Saint Mary at Hill and Saint Andrew Hubbard, three hundred and thirty-three pounds six shillings and eight-pence;

Of Saint Mary Woolnoth and Saint Mary Wool-church, two hundred and sixty-six pounds thirteen shillings and four-pence;

Of Saint Clement Eastcheap and Saint Martin Orgas, two hundred and thirty-three pounds six shillings and eight-pence;

Of Saint Mary Abchurch and Saint Lawrence Poutney, two hundred pounds;

Of Saint Mary Aldermary and Saint Thomas Apostles, two hundred and fifty pounds;

Of Saint Marylebow, Saint Pancras Soper-lane, and Alhallows Honey-lane, three hundred and thirty-three pounds six shillings and eight-pence;

Of Saint Mildred Poultry and Saint Mary Cole-church, two hundred and eighty-three pounds six shillings and eight-pence;

Of Saint Michael Wood-street and Saint Mary Staining, two hundred pounds;

Of Saint Mildred Bread-street and Saint Margaret Moses, two hundred and sixteen pounds thirteen shillings and four-pence;

Of Saint Michael Queenhyth and Trinity, two hundred and sixty-six pounds thirteen shillings and four-pence;

Of Saint Magdalen Old Fish-street and Saint Gregory, two hundred pounds;

Of Saint Mary Somerset and Saint Mary Mounthaw, two hundred pounds;

Of Saint Nicholas Coleabby and Saint Nicholas Olaves, two hundred and sixteen pounds thirteen shillings and four-pence;

Of Saint Olave Jewry and Saint Martin Ironmonger-lane, two hundred pounds;

Of Saint Stephen Walbrook and Saint Bennet Sheerhog, two hundred pounds ;

Of Saint Swithin and Saint Mary Bothaw, two hundred and thirty-three pounds six shillings and eight-pence ;

Of Saint Vedast alias Foster's and Saint Michael Quern, two hundred and sixty-six pounds thirteen shillings and four-pence.

II. And be it further enacted, that the said respective sums of money to be paid in lieu of tithes within the said respective parishes, shall be and continue to be esteemed, deemed, and taken, to all intents and purposes, to be the respective certain annual maintenance (over and above glebes and perquisites, gifts and bequests, to the respective parson, vicar, and curate of any parish for the time being, or to his or their respective successors, or to other persons for his or their use) of the said respective parsons, vicars, and curates, legally instituted, inducted, and admitted into the respective parishes aforesaid.

Declaring the said sums of money to be the annual maintenance of the clergy of the city.

Power to make assessments on houses and other buildings, before twenty-first *August* one thousand eight hundred and four, by the aldermen and common council, and churchwardens in such ward, sec. 3.—Appeal to the lord mayor and court of aldermen against assessments, sec. 4.—Assessments may be altered every seven years, sec. 5.

VI. And be it further enacted, that the said assessors within fourteen days after any assessment shall have been made, and the respective appeals (if any be) determined, shall make four transcripts thereof in writing containing the respective sums to be payable or appointed to be paid out of all and every the premises assessable within such respective parish, and subscribe the same with their respective names, and that within twenty days after such subscription as aforesaid ; one of the said transcripts shall be sent to the lord mayor of the city of *London*, and deposited in the town clerk's office of the said city, and there kept and preserved among the records of the said city, for a perpetual memorial thereof ; another of the said transcripts shall be deposited in the registry of the consistory court of the lord bishop of *London*, to be kept and preserved as aforesaid ; another of the said transcripts shall remain and be kept in the vestry of such respective parish, for a perpetual memorial as before mentioned ; and the remaining transcript shall be delivered within three days after such subscription to the incumbent of such respective parish, and the said assessments shall continue in force and be acted upon until any new assessment shall be made in pursuance of this act.

Four transcripts shall be made, and deposited with the town clerk, the bishop of London, and the several vestries and incumbents.

The said sums shall be payable by quarterly payments, on twenty-fifth *December*, twenty-fifth *March*, twenty-fourth *June*, and twenty-ninth *September*, every year, sec 7.

VIII. And whereas in certain of the parishes hereinbefore named there are impropriations ; and the impropriators were, as hereinbefore is mentioned by the said recited act, directed to pay and allow what really and *bonâ fide* they had used and ought to have paid and satisfied to the respective incumbents of the said parishes before the said fire, which said payments were to be esteemed and computed as part of the maintenance of such incumbents ; be it therefore further

Impropriators shall continue to pay what they have been accustomed to pay.

enacted, that in the parishes of *Saint Bridget* otherwise *Saint Bride's*, *Saint Bennet Finck*, *Saint Mary Aldermanbury*, *Saint Stephen Coleman-street*, *Alhallows the Less*, *Christ Church*, *Saint Lawrence Jewry*, *Saint Lawrence Pountney*, and *Saint Mary Cole Church*, the impropriators shall continue to allow and pay to the respective incumbents of the same parishes what they have been accustomed to allow and pay before and since the passing of the said recited act of the twenty-second and twenty-third years of the reign of king *Charles* the second, which said sums shall be paid to the incumbents of the same respective parishes, in part of the respective sums hereinbefore appointed to be the certain annual maintenance of the same respective incumbents.

The vicar of *Saint Sepulchre's* shall receive the full sum directed by this act, instead of one-third part of the impropriate tithes.

IX. And whereas two-third parts of the impropriate tithes of the parish of *Saint Sepulchre* are vested in trustees, in trust for the parishioners of that parish; and the vicar of the said parish is endowed with the remaining third-part of the said impropriate tithes; be it therefore further enacted, that the said vicar shall, from and after the twenty-ninth day of *September* one thousand eight hundred and four, receive the full sum directed by this act to be paid him for his maintenance, in lieu of the third-part of the said impropriate tithes to which by virtue of his endowment he is entitled, from the several inhabitants, of or from or out of, or for, or in respect of the several houses, tenements, and other hereditaments situated within that part of the said parish of *Saint Sepulchre* which lies within the liberties of the city of *London*, but exclusive of and over and above the third-part of the tithes to which he is entitled, from the inhabitants, of or from or out of, or for or in respect of the several houses, tenements, or other hereditaments situate within that part of the said parish which lies within the county of *Middlesex*; and that, from and after the said twenty-ninth day of *September* one thousand eight hundred and four, the said third-part of the said impropriate tithes, due from the inhabitants of or from, or out of or in respect of the several houses, tenements, or other hereditaments situate within that part of the said parish of *Saint Sepulchre* which lies within the said liberties of the city of *London*, shall cease and determine, and be no longer paid or payable.

For continuing certain compensations out of the city chamber, in lieu of houses taken down, &c. sec 10.—Money shall be recovered (in case of refusal of payment) by warrant of a magistrate, sec 11.—If the sums assessed shall be paid in manner after mentioned (*see* sec. 13), they shall not be raised as before directed, sec. 12.—Churchwardens, &c. may make yearly assessments with appeal to court of aldermen, secs. 13 & 14.—Sums assessed by the Churchwardens, &c. may be levied by warrant of a magistrate, sec. 15.—If the monies to be assessed by the last mentioned means shall be unpaid for thirty days after any quarterly day of payment, the same shall be raised in the same manner as the first assessment, sec. 16.—*Quakers* exempted from being collectors under this act, sec. 17.

Powers of the said act of 22 & 23 C. 2, and the powers of this act, ves-

XVIII. And be it further enacted, that all and singular the powers and authorities in and by the said recited act of the twenty-second and twenty-third years of king *Charles* the second, given to and vested in the lord mayor and court of aldermen of the city of

London, shall be and the same are hereby from henceforth given to and vested in the said lord mayor and court of aldermen for the time being, for and in respect of all and singular the matters and things in this act contained, or by this act enacted, so far as the case is or shall be applicable; and that in case the said lord mayor and court of aldermen shall refuse or neglect to execute any of the respective powers to them by this act granted, or to perform all and every such things relating either to the assessing or levying of the respective sums aforesaid, as they are by this act authorized and required to perform, either expressly or by reference, that then it shall be lawful for any two or more of the barons of his majesty's court of exchequer, by warrant or warrants under their hands and seals, to do and perform what the said lord mayor and court of aldermen, according to the true intent and meaning of this act, might or ought to have done, and by such warrant either to empower any person or persons to make the respective assessments as aforesaid, or to authorize the respective officers or persons appointed to collect such assessments, to levy the same by distress and sale of the goods of any person or persons that shall refuse or neglect to pay the same, in manner and form aforesaid.

ted in the
lord mayor
and court of
aldermen, or
on their
failure in two
barons of the
exchequer.

XIX. Provided always, that no court or judge ecclesiastical or temporal, shall hold plea of or for any the sum or sums of money due or owing or to be paid by virtue of this act, or any part thereof, other than the persons hereby authorized to have cognizance thereof; nor shall it be lawful for any parson, vicar, curate, or incumbent, to convent or sue any person or persons assessed as aforesaid, and refusing or neglecting to pay the same, in any court or courts, or before any judge or judges, other than what are authorized and appointed by this for the hearing and determining the same in manner aforesaid.

No ecclesias-
tical court,
&c. shall
hold plea of
or for any
monies pay-
able under
this act.

Public act, sec. 20

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

TOLLS ON SUNDAYS.

3 GEORGE 4, CAP. 126, SECS. 32 & 33.—*An act to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England.*

Exemptions
from tolls:

horses and
carriages at-
tending his
majesty, &c.
or conveying
materials for
roads and
bridges;
* Sic.

or manure
(except
lime);

or agricultu-
ral produce
not sold or
for sale;

horses em-
ployed in
husbandry,
&c.;

persons
going to or
returning
from church;

attending
funerals;

ministers at-
tending their
duty;

XXXII. Be it further enacted, that no toll shall be demanded or taken by virtue of this or any other act or acts of parliament, on any turnpike road, for any horses or carriages attending his majesty or any of the royal family, or returning therefrom;* or of or from any person or persons, for any horse or horses or other beast or cattle, or for any waggon, wain, cart or other carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same day, any stones, bricks, timber, wood, gravel or other materials for making or repairing any turnpike road or public highway, or for building, rebuilding or repairing any present or any future bridge or bridges on any such road or public highway, or of or from the surveyor of any turnpike road when engaged in executing or proceeding to execute, within the limits of his own or any adjoining trust, the powers of this or any other act or acts of parliament for repairing, maintaining or relating to any turnpike road; or for any horse, beast or other cattle or carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same day, any dung, soil, compost or manure (save and except lime) for improving lands, or any ploughs, harrows or implements of husbandry (unless laden also with some other thing not hereby exempted from toll), or any hay, straw, fodder for cattle, and corn in the straw, which has grown or arisen on land or ground in the occupation of the owner of any such hay, straw, fodder or corn in the straw, potatoes or other agricultural produce, and which has not been bought, sold or disposed of, nor is going to be sold or disposed of, or for any horses or other beasts employed in husbandry going to or returning from plough or harrow, or to or from pasture or watering place, or going to be or returning from being shod or farried, such horses or other beasts not going or returning on those occasions more than two miles on the turnpike road on which the exemption shall be claimed; or of or from any person or persons going to or returning from his, her, or their proper parochial church or chapel, or of or from any other person or persons going to or returning from his, her or their usual place of religious worship tolerated by law, on *Sundays*, or on any day on which divine service is by authority ordered to be celebrated; or of or from any inhabitant of any parish, township or place, going to or returning from attending the funeral of any person who shall die and be buried in the parish, township or hamlet in which any turnpike road shall lie; or from any rector, vicar or curate going to or returning from visiting any sick parishioner, or on other his parochial duty within his parish; or for horses, carts or waggons employed only in carrying

or conveying any vagrant sent by a legal pass, or any prisoner sent by any legal warrant, or returning empty having been so employed ; or for any horses or carriages, of whatever description, employed or to be employed in conveying the mails of letters and expresses under the authority of his majesty's postmaster general, either when employed in conveying, fetching or guarding such mails or expresses, or in returning back from conveying or guarding the same ; or for the horse or horses of any officers or soldiers on their march or on duty, or for any horse or horses or other beast, or any cart, carriage or waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the arms or baggage of any such officers or soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded or disabled officers or soldiers ; or for any waggon, wain, cart or other carriage whatsoever, or the horse or horses or other cattle drawing the same, employed in conveying any ordnance, or barrack, or commissariat, or other public stores of or belonging to his majesty, or for the use of his majesty's forces, or returning empty from having been so employed ; or for any carriage conveying volunteer infantry, or for any horse furnished by or for any person belonging to any corps of yeomanry or volunteer cavalry or infantry, and rode by him in going to or returning from any place appointed for and on the days of exercise, inspection or review, or on other public duty, provided that such person shall be dressed in the uniform of his corps, and shall have his arms, furniture and accoutrements according to the regulations of such corps at the time of claiming the exemption ; or for any horses or carriages carrying or conveying any person or persons to or from any election or elections of a knight or knights of the shire to serve in parliament for the county or counties in which such turnpike road shall be situated ; or for any horses or carriages which shall only cross any turnpike road, or shall not pass above one hundred yards thereon.

conveying
vagrants ;
conveying
the mails ;

horses of
officers or
soldiers on
duty ;

conveying
baggage,
sick, ord-
nance or pub-
lic stores :

horses and
carriages
used by corps
of yeomanry,
&c. ;

conveying
persons to or
from county
elections ;

crossing
roads, &c.

XXXIII. Provided always, and be it enacted, that so much of this act as directs that no toll shall be demanded or taken from any person or persons going to or returning from his, her or their proper parochial church or chapel, or of or from any other person or persons going to or returning from his, her or their usual place of religious worship tolerated by law, on *Sundays*, or on any day on which divine service is ordered by authority to be celebrated, shall not extend or be construed to extend so as to exempt any such person or persons from the payment of toll at any turnpike gate or gates situate within the distance of five miles of the *Royal Exchange* in the city of *London*, or within the distance of five miles of *Westminster Hall* in the city and liberties of *Westminster*.

Extent of
exemption
from toll on
Sundays, &c.
for persons
going to and
returning
from church.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

TRANSUBSTANTIATION.

7 GEORGE 2, CAP. 10.—*An act to indemnify persons who have omitted to qualify themselves for employment or offices, by taking the oaths, and making and subscribing the declaration against transubstantiation, and receiving the sacrament, and to allow them further time for that purpose; and to enable the vice chancellor of the university, and mayor of the town of Cambridge, to act as justices of the peace for the county of Cambridge, notwithstanding the act for the further qualification of justices of the peace. Persons in offices qualifying themselves by twenty-ninth September, one thousand seven hundred and thirty-four, indemnified, and their acts valid. Members of corporations who have neglected to take the oaths of office, qualifying themselves by twenty-ninth September one thousand seven hundred and thirty-four, indemnified.*
EXP.

9 GEORGE 2, CAP. 26.—*An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present majesty, as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees.—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 445.*

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

UNIFORMITY OF SERVICE.

1 EDWARD 6, CAP. 1.—*An act against such as shall unreverently speak against the sacrament of the altar, and of the receiving thereof under both kinds.*—The king's most excellent majesty minding the governance and order of his most loving subjects to be in most perfect unity and concord in all things, and in especial in the true faith and religion of God, and wishing the same to be brought to pass with all clemency and mercy on his highness' part towards them, as his most princely serenity and majesty hath already declared by evident proof, to the intent that his most loving subjects provoked by clemency and goodness of their prince and king, shall study rather for love than for fear to do their duties, first to Almighty God, and then to his highness and the commonwealth, nourishing concord and love amongst themselves; yet considereth and perceiveth that in a multitude all be not on that sort, that reason and the knowledge of their duties can move them from offence, but many which had need have some bridle of fear, and that the same be men most contentious and arrogant for the most part, or else most blind and ignorant: by the means of which sort of men, many things well and godly instituted, and to the edification of many, be perverted and abused, and turned to their own and others' great loss and hindrance, and sometime to extreme destruction: the which doth appear in nothing more or sooner, than in matters of religion, and in the great and high mysteries thereof, as in the most comfortable Sacrament of the Body and Blood of our Saviour Jesus Christ, commonly called the Sacrament of the Altar, and in scripture, the ^a Supper and ^b Table of the Lord, the ^c Communion and ^d Partaking of the Body and Blood of Christ: which sacrament was instituted of no less author than of our Saviour, both God and man, when at his last supper amongst his Apostles, he did take the bread into his holy hands, and did say, ^e *take you and eat, this is my Body, which is ^f given and ^g broken for you.* And taking up the ^h chalice or cup, did give thanks, ⁱ and say, ^k *this is my Blood of the New Testament, which is shed for ^l you, and for ^m many, for the ⁿ remission of sins,* that ^o whensoever we should do the same, we should do it in the remembrance of him, and to declare and set forth his death and most glorious passion, until his coming. Of the which ^p bread whosoever eateth, or of the which cup whosoever drinketh unworthily, eateth and drinketh condemnation and judgment to himself, making no difference of the Lord's Body. The institution of which sacrament being ordained by Christ, as is before said, and the said words spoken of it herebefore rehearsed, being of eternal, infallible and undoubted truth: yet the said sacrament (all this notwithstanding) hath been of late marvellously abused by such

The penalty for unreverent speaking against the sacrament of the Body and Blood of Christ, or against the receiving thereof in both kinds. The king mindeth to have unity in religion by clemency.

The blessed sacrament instituted by Christ himself, and by what words of his.

The causes of the abuse of the blessed sacrament.

^a 1 Cor. xi. 20.

^e Mat. xxvi. 26.

ⁱ Mark xiv. 23.

^b 1 Cor. x. 21.

^f Luke xxii. 19.

^k Mark xiv. 24.

ⁿ Mat. xxvi. 28.

^c 1 Cor. x. 16.

^g 1 Cor. xi. 24.

^l Luke xxii. 19.

^o 1 Cor. xi. 26.

^d 1 Cor. x. 16, 17.

^h Mat. xxvi. 27.

^m Mark xiv. 24.

^p 1 Cor. xi. 29.

The penalty
for speaking
unreverently
of the most
blessed sa-
crament.

Justices of
peace may
inquire of
offenders.

Examination
of the accu-
sers.

manner of men before rehearsed, who of wickedness, or else of ignorance and want of learning, for certain abuses heretofore committed of some, in misusing thereof, have condemned in their hearts and speech the whole thing, and contemptuously depraved, despised or reviled the same most holy and blessed sacrament, and not only disputed and reasoned unreverently and ungodly of that most high mystery, but also in their sermons, preachings, readings, lectures, communications, arguments, talks, rhymes, songs, plays or jests, name or call it by such vile and unseemly words, as christian ears do abhor to hear rehearsed: for reformation whereof, be it enacted by the king's highness, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, that whatsoever person or persons, from and after the first day of *May* next coming, shall deprave, despise or contemn the said most blessed sacrament, in contempt thereof, by any contemptuous words, or by any words of depraving, despising or reviling; or what person or persons shall advisedly in any other wise contemn, despise or revile the said most blessed sacrament, contrary to the effects and declaration abovesaid: that then he or they shall suffer imprisonment of his or their bodies, and make fine and ransom at the king's will and pleasure. And for full and effectual execution of the premises before devised, ordained and enacted by this act, be it furthermore enacted by the authority of this present parliament, that immediately after the first day of *May* next coming, the justices of peace, or three of them at the least, whereof one of them to be of the *quorum*, in every shire of this realm, and *Wales*, and all other places within the king's dominions, shall have full power and authority by virtue of this act, as well to take information and accusation by the oaths and depositions of two able, honest and lawful persons at the least, and after such accusation or information so had, to inquire by the oaths of twelve men, in every of their four quarter sessions yearly to be holden, of all and singular such accusations or informations to be had or made of any of the offences abovesaid, to be committed or done after the said first day of *May*, within the limits of their commission: and that upon every such accusation and information, the offender and offenders shall be inquired of, and indicted before the said justices of peace, or three of them at the least, as is aforesaid, of the said contempts and offences, by the verdict of twelve honest and indifferent men, if the matter of the said accusation and information shall seem to the said jury good and true.

II. And it is also further enacted by the authority aforesaid, that the said justices of peace, or three of them at the least, as is aforesaid, before whom any such presentment, information and accusation shall be made or taken as is aforesaid, shall examine the accusers, what other witness were by and present at the time of the doing and committing of the offence, whereof the information, accusation and presentment shall be made, and how many others than the accusers have knowledge thereof, and shall have full power and authority by their discretions to bind by recognizance to be taken before them, as well the said accusers, as all such other persons whom the said accusers shall declare to have knowledge of the

offences by them presented and informed, every of them in five pounds to the king, to appear before the said justices of peace, before whom the offender or offenders shall be tried at the day of trial and deliverance of such offenders.

III. And it is further enacted by the authority aforesaid, that the said justices of peace or three of them at the least, as is abovesaid, by virtue of this act, shall have full power and authority to make process against every person and persons so indicted, by two *capias* and an exigent, and by *capias utlagatum*, as well within the limits of their commission, as into all other shires and places of this realm, *Wales* and other the king's dominions, as well within liberties as without, and the same process to be good and effectual in the law to all intents, constructions and purposes; and upon the appearance of any of the offenders, shall have full power and authority by virtue of this act and the commission of peace, to determine the contempts and offences aforesaid, according to the laws of this realm and the effects of this act: and that the said justices of peace, or three of them at the least, as is abovesaid, shall have full power and authority to let any such person or persons so indicted, upon sufficient sureties, by their discretions, to bail for their appearance to be tried, according to the tenor, form and effect of this act.

12 Co. 103
What process shall be awarded against the persons indicted.

Justices of peace may determine the offences.

Bailment of persons indicted.

IV. Provided always, and be it enacted, that the said justices of peace, or three of them at the least, at their quarter sessions, where any offender or offenders shall be or stand indicted of any of the contempts or offences abovesaid, shall direct and award one writ in the king's name to the bishop of the diocese where the said offence or offences be supposed to be committed or done, willing and requiring the said bishop to be in his own person or by his chancellor, or other his sufficient deputy learned, at the quarter sessions in the said county to be holden, when and where the said offender shall be arraigned and tried, appointing to them in the said writ the day and place of the said arraignment; which writ shall be of this form: *Rex, &c. Episcopo L. salutem. Præcipimus tibi quod tu, cancellarius tuus, vel alius deputat. tuus sufficienter eruditus, sitis cum justic. nostris ad pacem in com. nostro B. conservand. assignat. apud D. tali die, ad sessionem nostram, ad tunc et ibm. tenend. ad dand. consilium et advisament. eisdem justiciariis nostris ad pacem, super arranament. et deliberationem offendent. contra form. statuti concernen. sacrosanct. sacramentum altaris.*

A writ directed by the justices to the bishop.

V. Provided always, and be it enacted by the authority aforesaid, that no person or persons shall be indicted of any of the contempts or offences abovesaid, but only of such contempts or offences as shall be done or perpetrated within three months next after the said offence or offences so committed or done.*

No indictment but within three months after the offence.

* Examined

VI. And be it further enacted by the authority aforesaid, that in all trials, for any such offenders before the said justices, as is aforesaid, the person or persons being complained on and arraigned, shall be admitted to purge or try his or their innocence, by as many or more witnesses in number, and of as good honesty and credence, as the witnesses be which deposed against him or them, or any of them.

The defendant may try his innocence by witnesses.

VII. And forasmuch as it is more agreeable, both to the first institution of the said sacrament of the most precious Body and

The blessed sacrament shall be delivered unto the people under both kinds of bread and wine.

The usage of other churches not condemned.

Further provisions relating hereto, see 1 Ed. 6, c. 12. 2 & 3 Ed. 6, c. 1. 1 Mary, sess. 2, c. 3. 1 Eliz. c. 2. 13 Eliz. c. 12. 23 Eliz. c. 1. 13 & 14 Car. 2, c. 4. 15 Car. 2, c. 6. 1 W. & M. stat. 1, c. 18. 5 Anne, c. 5, and 23 G. 2, c. 28.

Blood of our Saviour Jesus Christ, and also more conformable to the common use and practice both of the Apostles and of the primitive church by the space of five hundred years and more after Christ's ascension, that the said blessed sacrament should be ministered to all christian people under both the kinds of bread and wine, than under the form of bread only: and also it is more agreeable to the first institution of Christ, and to the usage of the Apostles, and the primitive church, that the people being present should receive the same with the priest, than that the priest should receive it alone: therefore be it enacted by our said sovereign lord the king, with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that the said most blessed sacrament be hereafter commonly delivered and ministered unto the people within the church of *England* and *Ireland*, and other the king's dominions, under both the kinds, that is to say, of bread and wine, except necessity otherwise require: and also that the priest which shall minister the same, shall, at the least one day before, exhort all persons which shall be present likewise to resort and prepare themselves to receive the same. And when the day prefixed cometh, after a godly exhortation by the minister made, (wherein shall be further expressed the benefit and comfort promised to them which worthily receive the said holy sacrament, and danger and indignation of God threatened to them which shall presume to receive the same unworthily, to the end that every man may try and examine his own conscience before he shall receive the same) the said minister shall not without a lawful cause deny the same to any person that will devoutly and humbly desire it; any law, statute, ordinance or custom contrary thereunto in anywise notwithstanding: not condemning hereby the usage of any church out of the king's majesty's dominions. [5 & 6 Ed. 6, c. 1. Repealed by 1 Mary, sess. 2, c. 2, and revived by 1 Eliz. c. 1, sec. 14.]

Revived by 1 Eliz. c. 1, sec. 14. The penalty for not using uniformity of service, and administration of sacraments, &c.

2 & 3 EDWARD 6, CAP. 1.—*An act for uniformity of service and administration of the sacraments throughout the realm*—Where of long time there hath been had in this realm of *England* and in *Wales* divers forms of common prayer, commonly called the service of the church; that is to say, the use of *Sarum*, of *York*, of *Bangor*, and of *Lincoln*; and besides the same now of late much more divers and sundry forms and fashions have been used in the cathedral and parish churches of *England* and *Wales*, as well concerning the matins or morning prayer and the evensong, as also concerning the holy communion, commonly called the mass, with divers and sundry rites and ceremonies concerning the same, and in the administration of other sacraments of the church: and as the doers and executors of the said rites and ceremonies, in other form than of late years they have been used, were pleased therewith: so other not using the same rites and ceremonies were thereby greatly offended: and albeit the king's majesty, with the advice of his most entirely beloved uncle the lord protector and other of his highness' council, hath heretofore divers times assayed to stay innovations or new rites concerning

the premises; yet the same hath not had such good success as his highness required in that behalf; whereupon his highness by the most prudent advice aforesaid, being pleased to bear with the frailty and weakness of his subjects in that behalf, of his great clemency hath not been only content to abstain from punishment of those that have offended in that behalf, for that his highness taketh that they did it of a good zeal; but also to the intent a uniform, quiet and godly order should be had concerning the premises, hath appointed the archbishop of *Canterbury*, and certain of the most learned and discreet bishops, and other learned men of this realm, to consider and ponder the premises; and thereupon having as well eye and respect to the most sincere and pure christian religion taught by the scripture as to the usages in the primitive church, should draw and make one convenient and meet order, rite and fashion of common and open prayer and administration of the sacraments, to be had and used in his majesty's realm of *England* and *Wales*; the which at this time, by the aid of the Holy Ghost, with one uniform agreement is of them concluded, set forth and delivered to his highness, to his great comfort and quietness of mind, in a book entitled *The Book of the Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, after the use of the church of England*. Wherefore the lords spiritual and temporal, and the commons, in this present parliament assembled, considering as well the most godly travel of the king's highness, of the lord protector, and of other his highness' council, in gathering and collecting the said archbishop, bishops and learned men together, as the godly prayers, orders, rites and ceremonies in the said book mentioned, and the considerations of altering those things which be altered, and retaining those things which be retained in the said book, but also the honour of God and great quietness, which by the grace of God shall ensue upon the one and uniform rite and order in such common prayer and rites and external ceremonies to be used throughout *England* and in *Wales*, at *Calais* and the marches of the same, do give to his highness most hearty and lowly thanks for the same: and humbly praying, that it may be ordained and enacted by his majesty, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, that all and singular person and persons that have offended concerning the premises, other than such person and persons as now be and remain in ward in the tower of *London*, or in the fleet, may be pardoned thereof; and that all and singular ministers in any cathedral or parish church or other place within this realm of *England*, *Wales*, *Calais*, and the marches of the same or other the king's dominions, shall, from and after the Feast of *Pentecost* next coming, be bounden to say and use the matins, evensong, celebration of the Lord's Supper, commonly called the mass, and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the same book, and none other or otherwise. And albeit that the same be so godly and good, that they give occasion to every honest and conformable man most willingly to embrace them, yet lest any obstinate person who willingly would disturb so godly order and quiet in this realm should not go unpunished, that it may also

Innovators not punished, for that they did it upon good zeal.

The book of common prayer, by the aid of the Holy Ghost, is set forth by the bishops and learned men of the realm.

The penalty for not using the book of common prayer, and other rites and ceremonies.

nies, according to the use of the church of England.

Using any other manner of prayer.

The penalty for depraving the book or any thing contained therein.

The penalty for the first offence.

The penalty for the second offence.

The penalty for the third offence.

The penalty by plays, songs or tunes, to deprave the book of com-

be ordained and enacted by the authority aforesaid, that if any manner of parson, vicar or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, shall after the said Feast of *Pentecost* next coming refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church or other places as he should use or minister the same, in such order and form as they be mentioned and set forth in the said book; or shall use, wilfully and obstinately standing in the same, any other rite, ceremony, order, form or manner of mass openly or privily, or matins, evensong, administration of the sacraments or other open prayer than is mentioned and set forth in the said book: (open prayer in and throughout this act, is meant that prayer which is for other to come unto or hear, either in common churches or private chapels or oratories, commonly called the service of the church) or shall preach, declare or speak any thing in the derogation or depraving of the said book, or any thing therein contained, or of any part thereof; and shall be thereof lawfully convicted according to the laws of this realm, by verdict of twelve men or by his own confession, or by the notorious evidence of the fact, shall lose and forfeit to the king's highness, his heirs and successors, for his first offence, the profit of such one of his spiritual benefices or promotions as it shall please the king's highness to assign or appoint, coming and arising in one whole year next after his conviction: and also that the same person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprize: and if any such person once convict of any such offence concerning the premises, shall after his first conviction eftsoons offend and be thereof in form aforesaid lawfully convict, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, and also shall therefore be deprived *ipso facto* of all his spiritual promotions; and that it shall be lawful to all patrons, donors and grantees of all and singular the same spiritual promotions, to present to the same any other able clerk, in like manner and form as though the party so offending were dead: and that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premises the third time, and shall be thereof in form aforesaid lawfully convicted; that then the person so offending and convicted the third time, shall suffer imprisonment during his life. And if the person that shall offend and be convict in form aforesaid concerning any of the premises, shall not be beneficed nor have any spiritual promotion, that then the same person so offending and convict shall for the first offence suffer imprisonment during six months, without bail or mainprize: and if any such person not having any spiritual promotion, after his first conviction shall eftsoons offend in any thing concerning the premises, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

II. And it is ordained and enacted by the authority abovesaid, that if any person or persons whatsoever, after the said Feast of *Pentecost* next coming, shall in any interludes, plays, songs, rhymes or by other open words declare or speak any thing in the deroga-

tion, depraving or despising of the same book or of any thing therein contained, or any part thereof; or shall by open fact, deed or by open threatenings, compel or cause, or otherwise procure or maintain any parson, vicar or other minister in any cathedral or parish church, or in any chapel or other place, to sing or say any common and open prayer, or to minister any sacrament otherwise or in any other manner or form than is mentioned in the said book; or that by any of the said means shall unlawfully interrupt or let any parson, vicar or other ministers in any cathedral or parish church, chapel or any other place, to sing or say common and open prayer, or to minister the sacraments, or any of them, in any such manner and form as is mentioned in the said book; that then every person being thereof lawfully convicted in form abovesaid, shall forfeit to the king our sovereign lord, his heirs and successors, for the first offence ten pounds. And if any person or persons, being once convicted of any such offence, afterwards offend against any of the premises, and shall in form aforesaid be thereof lawfully convict, that then the same persons so offending and convict shall for the second offence forfeit to the king our sovereign lord, his heirs and successors, twenty pounds: and if any person after he in form aforesaid shall have been twice convict of any offence concerning any of the premises, shall offend the third time, and be thereof in form aforesaid lawfully convict, that then every person so offending and convict shall for his third offence forfeit to our sovereign lord the king all his goods and chattels, and shall suffer imprisonment during his life: and if any person or persons, that for his first offence concerning the premises shall be convict in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction; that then every person so convict, and so not paying the same, shall for the same first offence, instead of the said ten pound, suffer imprisonment by the space of three months without bail or mainprize. And if any person or persons, that for his second offence concerning the premises shall be convict in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall for the same second offence, in the stead of the said twenty pounds, suffer imprisonment during six months, without bail or mainprize.

mon prayer,
or to compel
any to use
other prayer.

The penalty
for the first
offence.

The penalty
for the se-
cond offence.

The penalty
for the third
offence.

III. And it is ordained and enacted by the authority aforesaid, that all and every justices of *oyer* and *determiner*, or justices of assize, shall have full power and authority in every of their open and general sessions to inquire, hear and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

Justices of
oyer, deter-
miner and
assize shall
have power
to hear and
determine
those offen-
ces.

IV. Provided always, and be it enacted by the authority aforesaid, that all and every archbishop and bishop shall or may at all time and times at his liberty and pleasure join and associate himself

A bishop
may join
with the jus-
tices.

by virtue of this act to the said justices of *oyer* and *determiner*, or to the said justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the inquiry, hearing and determining of the offences aforesaid.

Who may use
prayers in
another lan-
guage.

V. Provided always, that it shall be lawful to any man that understandeth the *Greek*, *Latin* and *Hebrew* tongue, or other strange tongue, to say and have the said prayers heretofore specified of matins and evensong in *Latin*, or any such other tongue, saying the same privately, as they do understand.

VI. And for the further encouraging of learning in the tongues in the universities of *Cambridge* and *Oxford*, to use and exercise in their common and open prayer in their chapels (being no parish churches) or other places of prayer, the matins, evensong, litany, and all other prayers, (the holy communion, commonly called the mass, excepted) prescribed in the said book, in *Greek*, *Latin* or *Hebrew*; any thing in this present act to the contrary notwithstanding.

VII. Provided also, that it shall be lawful for all men, as well in churches, chapels, oratories or other places, to use openly any psalms or prayer taken out of the bible, at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said book.

When the
service books
shall be got-
ten.

VIII. Provided also, and be it enacted by the authority aforesaid, that the books concerning the said services shall at the costs and charges of the parishioners of every parish and cathedral church be attained and gotten before the Feast of *Pentecost* next following, or before; and that all such parishes and cathedral churches, or other places where the said books shall be attained and gotten before the said Feast of *Pentecost*, shall within three weeks next after the said books so attained and gotten use the said service, and put the same in ure according to this act.

IX. And be it further enacted by the authority aforesaid, that no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above mentioned, hereafter to be committed or done contrary to this act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such of the justices of *oyer* and *determiner*, or justices of assize, next after any offence committed or done contrary to the tenor of this act.

X. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords of the parliament, for the said offences above mentioned, shall be tried by their peers.

Chief officers
of cities and
corporate
towns may
hear and de-
termine
these offen-
ces.

XI. Provided also, and be it ordained and enacted by the authority aforesaid, that the mayor of *London*, and all other mayors, bailiffs and other head officers of all and singular cities, boroughs and towns corporate within this realm, *Wales*, *Calais*, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this act to inquire, hear and determine the offences abovesaid, and every of them yearly, within fifteen days after the Feast of *Easter* and *Saint Michael* the *Archangel*, in like manner and form as justices of assize and *oyer* and *determiner* may do.

XII. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular archbishops and bishops and every of their chancellors, commissaries, archdeacons and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this act, as well to inquire in their visitations, synods, and elsewhere within their jurisdiction, at any other time and place, to take accusations and informations of all and every the things above mentioned, done, committed or perpetrated within the limits of their jurisdiction and authority, and to punish the same by admonition, excommunication, sequestration or deprivation, and other censures and process, in like form as heretofore hath been used in like cases by the king's ecclesiastical laws.

The offences inquirable and punishable by the ecclesiastical jurisdiction.

XIII. Provided always, and be it enacted, that whatsoever person offending in the premises shall for the first offence receive punishment of the ordinary, having a testimonial thereof under the said ordinaries, seal, shall not for the same offence afterwards be convented before the justices; and likewise receiving for the said first offence punishment by the justices, he shall not for the same offence afterwards receive punishment of the ordinary; any thing contained in this act to the contrary notwithstanding.

But once punished for one offence.

This statute was confirmed by 5 & 6 Ed. 6, c. 1, and repealed by 1 Mary, sess. 2, c. 2, which act of 1 Mary is repealed by 1 Eliz. c. 2, and 1 James 1, c. 25, sec. 48, and this act so far as it relates to the church is made perpetual by 5 Anne, c. 5.

3 & 4 EDWARD 6, CAP. 10—*An act for the abolishing and putting away of divers books and images.*—See Title—"IMAGES IN CHURCHES," vol. iii. p. 205.

5 & 6 EDWARD 6, CAP. 1—*An act for the uniformity of service and administration of sacraments throughout the realm.*—Where there hath been a very godly order set forth by the authority of parliament, for common prayer and administration of the sacraments to be used in the mother tongue within the church of *England*, agreeable to the word of God and the primitive church, very comfortable to all good people desiring to live in christian conversation, and most profitable to the estate of this realm, upon the which the mercy, favour and blessing of Almighty God is in no wise so readily and plentifully poured as by common prayers, due using of the sacraments, and often preaching of the gospel, with the devotion of the hearers: and yet this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality, and living either without knowledge or due fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their parish churches and other places where common prayer, administration of the sacraments, and preaching of the word of God, is used upon *Sundays* and other days ordained to be holydays.

Uniformity of prayer and administration of sacraments shall be used in the church.

II. For reformation hereof, be it enacted by the king our sovereign lord, with the assent of the lords and commons, in this present parliament assembled, and by the authority of the same, that from and after the Feast of *All Saints* next coming all and every person and persons inhabiting within this realm, or any other the king's majesty's dominions, shall diligently and faithfully (having no lawful

March 95.

Every person shall resort to his parish church or chapel upon Sundays and holidays.

or reasonable excuse to be absent) endeavour themselves to resort to their parish church or chapel accustomed; or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every *Sunday*, and other days ordained and used to be kept as holydays; and then and there to abide orderly and soberly during the time of common prayer, preachings or other service of God there to be used and ministered; upon pain of punishment by the censures of the church.

III. And for the due execution hereof, the king's most excellent majesty, the lords temporal, and all the commons, in this present parliament assembled, doth in God's name earnestly require and charge all the archbishops, bishops and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledges, that the due and true execution thereof may be had throughout their dioceses and charges, as they will answer before God for such evils and plagues wherewith Almighty God may justly punish his people for neglecting this good and wholesome law.

They which come not to church may be punished by the censures of the church.

IV. And for their authority in this behalf, be it further likewise enacted by the authority aforesaid, that all and singular the same archbishops, bishops and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within their dioceses, shall have full power and authority by this act to reform, correct and punish by censures of the church, all and singular persons which shall offend within any their jurisdictions or dioceses, after the said Feast of *All Saints* next coming, against this act and statute; any other law, statute, privilege, liberty or provision heretofore made, had or suffered to the contrary notwithstanding.

The book of common prayer, with the form of consecrating bishops, priests, deacons.

1 Ed. 6, c. 2.

2 & 3 Ed. 6, c. 1.

V. And because there hath arisen in the use and exercise of the aforesaid common service in the church heretofore set forth, divers doubts for the fashion and manner of the ministration of the same, rather by the curiosity of the minister and mistakers, than of any other worthy cause; therefore as well for the more plain and manifest explanation hereof, as for the more perfection of the said order of common service, in some places where it is necessary to make the same prayers and fashion of service more earnest and fit to stir christian people to the true honouring of Almighty God; the king's most excellent majesty, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, hath caused the aforesaid order of common service, entitled *The Book of Common Prayer*, to be faithfully and godly perused, explained and made fully perfect, and by the aforesaid authority hath annexed and joined it, so explained and perfected, to this present statute: adding also a form and manner of making and consecrating of archbishops, bishops, priests and deacons, to be of like force, authority and value as the same like foresaid book, entitled *The Book of Common Prayer*, was before, and to be accepted, received, used and esteemed in like sort and manner, and with the same clauses of provisions and exceptions, to all intents, constructions and purposes, as by the act of parliament made in the second year of the king's majesty's reign was ordained, limited, expressed and appointed for the uniformity of service and administration of the sacraments throughout the realm, upon such several pains as in the

said act of parliament is expressed. And the said former act to stand in full force and strength, to all intents and constructions, and to be applied, practised and put in ure, to and for the establishing the book of common prayer, now explained and hereunto annexed, and also the said form of making of archbishops, bishops, priests and deacons hereunto annexed, as it was for the former book.

VI. And by the authority foresaid it is now further enacted, that if any manner of person or persons inhabiting and being within this realm, or any other king's majesty's dominions, shall after the said Feast of *All Saints* willingly and wittingly hear and be present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to this act, than is mentioned and set forth in the said book, or that is contrary to the form of sundry provisions and exceptions contained in the foresaid former statute, and shall be thereof convicted according to the laws of this realm, before the justices of assize, justices of *oyer and determiner*, justices of peace in their sessions, or any of them, by the verdict of twelve men, or by his or their own confession or otherwise, shall for the first offence suffer imprisonment for six months, without bail or mainprize; and for the second offence, being likewise convicted as is abovesaid, imprisonment for one whole year; and for the third offence in like manner, imprisonment during his or their lives. And for the more knowledge to be given hereof, and better observation of this law, be it enacted by the authority aforesaid, that all and singular curates shall, upon one *Sunday* every quarter of the year, during one whole year next following the foresaid Feast of *All Saints* next coming, read this present act in the church at the time of the most assembly, and likewise once in every year following; at the same time declaring unto the people by the authority of the scripture, how the mercy and goodness of God hath in all ages been shewed to his people in their necessities and extremities, by means of hearty and faithful prayers made to Almighty God, especially where people be gathered together with one faith and mind, to offer up their hearts by prayer, as the best sacrifices that christian men can yield. [This act is repealed by 1 Mary, sess. 2, c. 2, which is repealed by 1 Eliz. c. 2, and 1 James 1, c. 25, sec. 48. And this act is now made perpetual by 5 Anne, c. 5, as to the establishment of the church.]

1 MARY, SESS. 2, CAP. 2.—A repeal of the statute of 1 *Edward 6.* c. 1, *made against such as shall speak unreverently of the Body and Blood of Christ*; and the statute of 2 & 3 *Edward 6.* c. 1, *concerning the uniformity of service, and administration of the sacraments*; and of the statute of 3 & 4 *Edward 6.* c. 10, *made for the abolishing of divers books and images*; and of the statute of 5 & 6 *Edward 6.* c. 1, *made for the uniformity of common prayer and administration of the sacraments*..... *All such divine service and administration of sacraments as were most commonly used in England in the last year of Henry the eighth, shall be used through the realm, after the twentieth day of December, Anno Dom. one thousand five hundred and fifty-three, and no other kind of service nor administration of sacraments.* 1 Eliz. c. 2. Repealed by 1 Jac. 1, c. 25, sec. 48.

The penalties for being present at any other common prayer or sacraments. Altered as to the penalty by 1 Eliz. c. 2, secs. 7 & 8.

1 ELIZABETH, CAP. 1, SEC. 14.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—“APPEALS TO THE SEE OF ROME,” vol. i. p. 146.

1 ELIZABETH, CAP. 2.—*An act for the uniformity of common prayer and service in the church, and administration of the sacraments*—
 13 & 14 Car. 2, c. 4. Where at the death of our late sovereign lord king *Edward* the sixth there remained one uniform order of common service and prayer, and of the administration of sacraments, rites and ceremonies in the church of *England*, which was set forth in one book, entitled *The Book of Common Prayer*, and administration of sacraments, and other rites and ceremonies in the church of *England*; authorized by act of parliament holden in the fifth and sixth years of our said late sovereign lord king *Edward* the sixth, intituled *an act for the uniformity of common prayer, and administration of the sacraments*; the which was repealed and taken away by act of parliament in the first year of the reign of our late sovereign lady queen *Mary*, to the great decay of the due honour of God, and discomfort to the professors of the truth of Christ's religion:

And the book of common prayer shall be of effect.

1 Leon. 295.

II. Be it therefore enacted by the authority of this present parliament, that the said estatute of repeal, and every thing therein contained, only concerning the said book, and the service, administration of the sacraments, rites and ceremonies, contained or appointed in or by the said book, shall be void and of none effect, from and after the Feast of the Nativity of *Saint John Baptist* next coming; and that the said book, with the order of service, and of the administration of sacraments, rites and ceremonies, with the alterations and additions therein added and appointed by this estatute, shall stand and be, from and after the said Feast of the Nativity of *Saint John Baptist*, in full force and effect, according to the tenor and effect of this estatute; any thing in the aforesaid estatute of repeal to the contrary notwithstanding.

The book of common prayer shall be used.
 1 Eliz. c. 1.

The alterations of the book set forth.

III. And further be it enacted by the queen's highness, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, that all and singular ministers in any cathedral or parish church, or other place within this realm of *England*, *Wales*, and the marches of the same, or other the queen's dominions, shall from and after the Feast of the Nativity of *Saint John Baptist* next coming, be bounden to say and use the matins, evensong, celebration of the Lord's Supper and administration of each of the sacraments, and all the common and open prayer, in such order and form as is mentioned in the said book, so authorized by parliament in the said fifth and sixth years of the reign of king *Edward* the sixth, with one alteration or addition of certain lessons to be used on every *Sunday* in the year, and the form of the litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants, and none other or otherwise.

5 & 6 Ed. 6, c. 1.
 The forfeiture of those which use any other

IV. And that if any manner of parson, vicar or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, from and after the Feast of the Nativity of *Saint John Baptist* next coming, refuse to

use the said common prayers, or to minister the sacraments in such cathedral or parish church, or other places as he should use to minister the same, in such order and form as they be mentioned and set forth in the said book; or shall wilfully or obstinately, standing in the same, use any other rite, ceremony, order, form or manner of celebrating of the Lord's Supper, openly or privily, or matins, evensong, administration of the sacraments, or other open prayers, than is mentioned and set forth in the said book. (Open prayer in and throughout this act, is meant that prayer which is for others to come unto, or hear, either in common churches, or private chapels or oratories, commonly called, the service of the church.) Or shall preach, declare or speak any thing in the derogation or depraving of the said book, or any thing therein contained, or of any part thereof, and shall be thereof lawfully convicted, according to the laws of this realm, by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact, shall lose and forfeit to the queen's highness, her heirs and successors, for his first offence, the profit of all his spiritual benefices or promotions coming or arising in one whole year next after his conviction: and also that the person so convicted shall for the same offence suffer imprisonment for the space of six months, without bail or mainprize.

service than
the book of
common
prayer.
Godbolt 118,
pl. 137.
3 Mod. 78.

The penalty
for deprav-
ing the book
of common
prayer.

V. And if any such person once convict of any offence concerning the premises, shall after his first conviction eftsoons offend, and be thereof in form aforesaid lawfully convict, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, and also shall therefore be deprived, *ipso facto*, of all his spiritual promotions; and that it shall be lawful to all patrons or donors, of all and singular the same spiritual promotions or of any of them, to present or collate to the same, as though the person or persons so offending were dead.

The penalty
for the se-
cond offence.

VI. And that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premises the third time, and shall be thereof in form aforesaid lawfully convicted, that then the person so offending and convicted the third time, shall be deprived, *ipso facto*, of all his spiritual promotions, and also shall suffer imprisonment during his life.

The penalty
for the third
offence.

VII. And if the person that shall offend, and be convicted in form aforesaid, concerning any of the premises, shall not be beneficed, nor have any spiritual promotion, that then the same person so offending and convict, shall for the first offence suffer imprisonment during one whole year next after his said conviction, without bail or mainprize.

The penalty
of an offen-
der having
no spiritual
promotion.

VIII. And if any such person, not having any spiritual promotion, after his first conviction shall eftsoons offend in any thing concerning the premises, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

IX. And it is ordained and enacted by the authority aforesaid, that if any person or persons whatsoever, after the said Feast of the Nativity of *Saint John Baptist* next coming, shall in any interludes, plays, songs, rhymes, or by other open words, declare or speak any thing in the derogation, depraving or despising of the same book, or of any thing therein contained, or any part thereof: or shall by

The forfeit-
ure of them
which do
any thing, or
speak in the
derogation of
the book of
common
prayer.

Causing
other prayer
to be said or
sung.
Coke, pl. fol.
362.
1 Roll. 95.
1 Mod. 168.

The forfeit-
ure of an
hundred
marks for
the first of-
fence.
The forfeit-
ure of four
hundred
marks for
the second
offence.

The forfeit-
ure for the
third offence

The penalty
if the party
convicted do
not pay his
forfeiture
within the
time limited.

Every person
shall resort
to the church
upon the
holy days.
Godbolt 148,
pl. 191.
One justice
may convict
the offender,
&c. by
3 Jac. 1, c. 4,
sec. 27.
2 Roll 438,
455.
March 93.

open fact, deed or by open threatenings, compel or cause, or otherwise procure or maintain, any parson, vicar or other minister in any cathedral or parish church, or in chapel, or in any other place, to sing or say any common or open prayer, or to minister any sacrament otherwise, or in any other manner and form, than is mentioned in the said book; or that by any of the said means shall unlawfully interrupt or let any parson, vicar or other minister in any cathedral or parish church, chapel, or any other place, to sing or say common and open prayer, or to minister the sacraments or any of them, in such manner and form, as is mentioned in the said book; that then every such person, being thereof lawfully convicted in form abovesaid, shall forfeit to the queen our sovereign lady, her heirs and successors, for the first offence an hundred marks.

X. And if any person or persons being once convict of any such offence, eftsoons offend against any of the last recited offences, and shall in form aforesaid be thereof lawfully convict; that then the same person so offending and convict shall for the second offence forfeit to the queen our sovereign lady, her heirs and successors, four hundred marks.

XI. And if any person, after he in form aforesaid shall have been twice convict of any offence concerning any of the last recited offences, shall offend the third time, and be thereof in form abovesaid lawfully convict, that then every person so offending and convict shall for his third offence forfeit to our sovereign lady the queen, all his goods and chattels, and shall suffer imprisonment during his life.

XII. And if any person or persons, that for his first offence concerning the premises shall be convict in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction; that then every person so convict, and so not paying the same, shall for the same first offence, instead of the said sum, suffer imprisonment by the space of six months, without bail or mainprize.

XIII. And if any person or persons, that for his second offence concerning the premises shall be convict in form aforesaid, do not pay the said sum to be paid by virtue of his conviction and this estatute, in such manner and form as the same ought to be paid, within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall for the same second offence, in the stead of the said sum, suffer imprisonment during twelve months, without bail or mainprize.

XIV. And that from and after the said Feast of the Nativity of *Saint John Baptist* next coming, all and every person and persons inhabiting within this realm, or any other the queen's majesty's dominions, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every *Sunday*, and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preaching, or other service of God there to be used and ministered;

upon pain of punishment by the censures of the church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands and tenements of such offender, by way of distress.

XV. And for due execution hereof, the queen's most excellent majesty, the lords temporal, and all the commons, in this present parliament assembled, do in God's name earnestly require and charge all the archbishops, bishops and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledges, that the due and true execution hereof may be had throughout their diocese and charges, as they will answer before God, for such evils and plagues wherewith Almighty God may justly punish his people for neglecting this good and wholesome law .

The forfeiture for not coming to church.
23 Eliz. c. 1.
11 Co. 56.
1 Roll 89.

XVI. And for their authority in this behalf, be it further enacted by the authority aforesaid, that all and singular the said archbishops, bishops, and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within their diocese, shall have full power and authority by this act to reform, correct and punish by censures of the church, all and singular persons which shall offend within any their jurisdictions or diocese, after the said Feast of the Nativity of *Saint John Baptist* next coming, against this act and statute; any other law, statute, privilege, liberty or provision heretofore made, had or suffered, to the contrary notwithstanding.

The ordinary may punish offenders by the censures of the church.

XVII. And it is ordained and enacted by the authority aforesaid, that all and every justices of *oyer* and *determiner*, or justices of assize, shall have full power and authority in every of their open and general sessions, to inquire, hear and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

Which justices may punish these offences.

XVIII. Provided always, and be it enacted by the authority aforesaid, that all and every archbishop and bishop shall or may at all time and times, at his liberty and pleasure, join and associate himself, by virtue of this act, to the said justices of *oyer* and *determiner*, or to the said justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the inquiry, hearing and determining of the offences aforesaid.

A bishop may join with the justices to inquire of offenders.

XIX. Provided also, and be it enacted by the authority aforesaid, that the books concerning the said services shall at the costs and charges of the parishioners of every parish and cathedral church, be attained and gotten before the said Feast of the Nativity of *Saint John Baptist* next following; and that all such parishes and cathedral churches, or other places, where the said books shall be attained and gotten before the said Feast of the Nativity of *Saint John Baptist*, shall within three weeks next after the said books so attained and gotten use the said service, and put the same in ure according to this act.

At whose charges the book of common prayer shall be gotten.

Within what
time offen-
ders shall be
impeached.
Godbolt 148,
pl. 191.

XX. And be it further enacted by the authority aforesaid, that no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above mentioned, hereafter to be committed or done contrary to this act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such justices of *oyer* and *determiner* or justices of assize, next after any offence committed or done contrary to the tenor of this act.

Trial of
peers.

XXI. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords of the parliament, for the third offence above mentioned, shall be tried by their peers.

Chief officers
of cities and
boroughs
shall inquire
of offenders.

XXII. Provided also, and be it ordained and enacted by the authority aforesaid, that the mayor of *London*, and all other mayors, bailiffs and other head officers of all and singular cities, boroughs and towns corporate within this realm, *Wales*, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this act to inquire, hear and determine the offences abovesaid, and every of them, yearly within fifteen days after the Feast of *Easter*, and *St. Michael* the archangel, in like manner and form as justices of assize and *oyer* and *determiner* may do.

The ordi-
nary's juris-
diction in
these cases.

XXIII. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular archbishops and bishops, and every of their chancellors, commissaries, archdeacons and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this act, as well to inquire in their visitation, synods, and elsewhere within their jurisdiction at any other time and place, to take accusations and informations of all and every the things abovementioned, done, committed or perpetrated within the limits of their jurisdictions and authority, and to punish the same by admonition, excommunication, sequestration or deprivation, and other censures and process, in like form as heretofore hath been used in like cases by the queen's ecclesiastical laws.

None shall
be punished
above once
for one of-
fence.

XXIV. Provided always, and be it enacted, that whatsoever persons offending in the premises shall for their offences first receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence eftsoons be convicted before the justices: and likewise receiving for the said offence punishment first by the justices, shall not for the same offence eftsoons receive punishment of the ordinary; any thing contained in this act to the contrary notwithstanding.

Ornaments
of the church
and minis-
ters.

XXV. Provided always, and be it enacted, that such ornaments of the church and of the ministers thereof, shall be retained and be in use, as was in this church of *England* by authority of parliament, in the second year of the reign of king *Edward* the sixth, until other order shall be therein taken by the authority of the queen's majesty, with the advice of her commissioners appointed and authorized under the great seal of *England* for causes ecclesiastical, or of the metropolitan of this realm.

XXVI. And also, that if there shall happen any contempt or irreverence to be used in the ceremonies or rites of the church, by

the misusing of the orders appointed in this book, the queen's majesty, may by the like advice of the said commissioners or metropolitan, ordain and publish such further ceremonies or rites, as may be most for the advancement of God's glory, the edifying of his church, and the due reverence of Christ's holy mysteries and sacraments.

XXVII. And be it further enacted by the authority aforesaid, that all laws, statutes and ordinances, wherein or whereby any other service, administration of sacraments or common prayer, is limited, established or set forth to be used within this realm, or any other the queen's dominions or countries, shall from henceforth be utterly void and of none effect. Made perpetual by 5 Anne, c. 5, as to the establishment of the church.

All laws and ordinances made for other service shall be void.

13 & 14 CHARLES 2, CAP. 4.—*An act for the uniformity of public prayers, and administration of sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining and consecrating bishops, priests and deacons in the church of England.*—Whereas in the first year of the late queen *Elizabeth*, there was one uniform order of common service and prayer, and of the administration of sacraments, rites and ceremonies, in the church of *England*, (agreeable to the word of God, and usage of the primitive church) compiled by the reverend bishops and clergy, set forth in one book, entitled *the book of common prayer and administration of sacraments, and other rites and ceremonies in the church of England*, and enjoined to be used by act of parliament, holden in the said first year of the said late queen, intituled *an act for the uniformity of common prayer and service in the church, and administration of the sacraments*, very comfortable to all good people desirous to live in christian conversation, and most profitable to the estate of this realm; upon the which the mercy, favour and blessing of Almighty God is in no wise so readily and plentifully poured, as by common prayers, due using of the sacraments, and often preaching of the Gospel, with devotion of the hearers; and yet this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality, and living without knowledge and due fear of God, do wilfully and schismatically abstain and refuse to come to their parish churches, and other public places where common prayer, administration of the sacraments, and preaching of the word of God is used upon the *Sundays* and other days ordained and appointed to be kept and observed as holy-days: and whereas by the great and scandalous neglect of ministers in using the said order or liturgy so set forth and enjoined as aforesaid, great mischiefs and inconveniencies, during the times of the late unhappy troubles, have arisen and grown, and many people have been led into factions and schisms, to the great decay and scandal of the reformed religion of the church of *England*, and to the hazard of many souls: for prevention whereof in time to come, for settling the peace of the church, and for allaying the present distempers which the indisposition of the time hath contracted, the king's majesty, according to his declaration of the five and twentieth of *October* one thousand six hundred and sixty, granted his commission under the great seal of *England* to several bishops and other divines, to review the book of common prayer, and to prepare such

This act enforced by 5 Anne, c. 5, s. 1.

1 Eliz. c. 2.

The king's declaration and commission for reviewing the book of common prayer, and alterations to be propounded therein.

alterations and additions as they thought fit to offer: and afterwards the convocations of both the provinces of *Canterbury* and *York* being by his majesty called and assembled, and now sitting, his majesty hath been pleased to authorize and require the presidents of the said convocations, and other the bishops and clergy of the same, to review the said book of common prayer, and the book of the form and manner of the making and consecrating of bishops, priests and deacons: and that after mature consideration they should make such additions and alterations in the said books respectively, as to them shall seem meet and convenient; and should exhibit and present the same to his majesty in writing for his further allowance or confirmation; since which time, upon full and mature deliberation, they the said presidents, bishops and clergy of both provinces, have accordingly reviewed the said books, and have made some alterations which they think fit to be inserted to the same; and some additional prayers to the said book of common prayer, to be used upon proper and emergent occasions; and have exhibited and presented the same unto his majesty in writing, in one book, entitled *The Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England, together with the psalter or psalms of David, pointed as they are to be sung or said in churches; and the form and manner of making, ordaining and consecrating of bishops, priests and deacons*: all which his majesty having duly considered, hath fully approved and allowed the same, and recommended to this present parliament, that the said books of common prayer, and of the form of ordination and consecration of bishops, priests and deacons, with the alterations and additions which have been so made and presented to his majesty by the said convocations, be the book which shall be appointed to be used by all that officiate in all cathedral and collegiate churches and chapels, and in all chapels of colleges and halls in both the universities, and the colleges of *Eton* and *Winchester*, and in all parish churches and chapels within the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, and by all that make or consecrate bishops, priests or deacons, in any of the said places, under such sanctions and penalties as the house of parliament shall think fit.

The peace and honour of religion much advanced by uniform agreement in the public worship of God.

II. Now in regard that nothing conduced more to the settling of the peace of this nation, (which is desired of all good men) nor to the honour of our religion, and the propagation thereof, than an universal agreement in the public worship of Almighty God; and to the intent that every person within this realm may certainly know the rule to which he is to conform in public worship, and administration of sacraments, and other rites and ceremonies of the church of *England*, and the manner how and by whom bishops, priests and deacons are and ought to be made, ordained and consecrated; be it enacted by the king's most excellent majesty, by the advice and with the consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, that all and singular ministers in any cathedral, collegiate or parish church or chapel, or other place of public worship within this realm of *England*, dominion of *Wales*, and town of *Berwick-upon-*

Tweed, shall be bound to say and use the morning prayer, evening prayer, celebration and administration of both the sacraments, and all other the public and common prayer, in such order and form as is mentioned in the said book annexed and joined to this present act, and entitled *The Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England; together with the psalter or psalms of David, pointed as they are to be sung or said in churches; and the form or manner of making, ordaining and consecrating of bishops, priests and deacons*: and that the morning and evening prayers therein contained shall upon every Lord's day, and upon all other days and occasions and at the times therein appointed, be openly and solemnly read by all and every minister or curate, in every church, chapel or other place of public worship, within this realm of *England*, and places aforesaid.

The book of common prayer shall be used.

III. And to the end that uniformity in the public worship of God, (which is so much desired) may be speedily effected, be it further enacted by the authority aforesaid, that every parson, vicar or other minister whatsoever, who now hath and enjoyeth any ecclesiastical benefice or promotion within this realm of *England*, or places aforesaid, shall in the church, chapel or place of public worship belonging to his said benefice or promotion, upon some Lord's day before the Feast of *Saint Bartholomew* which shall be in the year of our Lord God one thousand six hundred sixty and two, openly, publicly and solemnly read the morning and evening prayer appointed to be read by and according to the said book of common prayer at the times thereby appointed; and after such reading thereof, shall openly and publicly before the congregation there assembled declare his unfeigned assent and consent to the use of all things in the said book contained and prescribed, in these words and no other:

All parsons, vicars and ministers to read and declare their assent to use the same.

IV. **I** *A. B.* do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book, entitled *The Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England; together with the psalter or psalms of David, pointed as they are to be sung or said in churches; and the form or manner of making, ordaining and consecrating of bishops, priests and deacons*.

V. And that all and every such person, who shall (without some lawful impediment to be allowed and approved of by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, (or in case of such impediment within one month after such impediment removed), shall *ipso facto* be deprived of all his spiritual promotions: and that from thenceforth it shall be lawful to and for all patrons and donors of all and singular the said spiritual promotions or of any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead.

The penalty for refusing. 23Geo.2,c.23.

VI. And be it further enacted by the authority aforesaid, that every person who shall hereafter be presented or collated, or put into any ecclesiastical benefice or promotion within this realm of *England* and places aforesaid, shall in the church, chapel or place of

Every person hereafter to be promoted to any ecclesiastical benefice shall

read the
common
prayer, and
declare his
assent there-
to.

The penalty
for not so
doing.
2 Show. 53.

Incumbents
of livings,
keeping cu-
rates shall
read the
same once
every month.

The penalty
and manner
of convic-
tion for not
doing it.

Deans,
canons, pre-
bendaries,
&c. shall
subscribe the
declaration.
15 Car. 2, c. 6.
See 12 Anne,
stat. 2, c. 7,
and 2 Geo. 2,
c. 31, sec. 8.

public worship belonging to his said benefice or promotion, within two months next after that he shall be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publicly and solemnly read the morning and evening prayers appointed to be read by and according to the said book of common prayer, at the times thereby appointed; and after such reading thereof shall openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed according to the form before appointed: and that all and every such person, who shall (without some lawful impediment to be allowed and approved by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, (or in case of such impediment within one month after such impediment removed) shall, *ipso facto*, be deprived of all his said ecclesiastical benefices and promotions: and that from thenceforth it shall and may be lawful to and for all patrons and donors of all and singular the said ecclesiastical benefices, and promotions or any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead.

VII. And be it further enacted by the authority aforesaid, that in all places where the proper incumbent of any parsonage or vicarage, or benefice with cure, doth reside on his living and keep a curate, the incumbent himself in person (not having some lawful impediment to be allowed by the ordinary of the place) shall once (at the least) in every month openly and publicly read the common prayers and service in and by the said book prescribed, and (if there be occasion) administer each of the sacraments and other rites of the church, in the parish church or chapel, of or belonging to the same parsonage, vicarage or benefice, in such order, manner and form, as in and by the said book is appointed; upon pain to forfeit the sum of five pounds to the use of the poor of the parish for every offence, upon conviction by confession or proof of two credible witnesses upon oath before two justices of the peace of the county, city or town corporate, where the offence shall be committed, (which oath the said justices are hereby empowered to administer) and in default of payment within ten days, to be levied by distress and sale of the goods and chattels of the offender, by the warrant of the said justices, by the churchwardens, or overseers of the poor of the said parish, rendering the surplusage to the party.

VIII. And be it further enacted by the authority aforesaid, that every dean, canon and prebendary of every cathedral or collegiate church, and all masters and other heads, fellows, chaplains and tutors of or in any college, hall, house of learning or hospital, and every public professor and reader in either of the universities and in every college elsewhere, and every parson, vicar, curate, lecturer and every other person in holy orders, and every schoolmaster keeping any public or private school, and every person instructing or teaching any youth in any house or private family as a tutor or schoolmaster, who upon the first day of *May* which shall be in the year of our Lord God one thousand six hundred sixty-two, or at any time thereafter, shall be incumbent or have possession of any deanery, canonry,

prebend, mastership, headship, fellowship, professor's place or reader's place, parsonage, vicarage or any other ecclesiastical dignity or promotion, or of any curate's place, lecture or school, or shall instruct or teach any youth as tutor or schoolmaster, shall before the Feast Day of *Saint Bartholomew* which shall be in the year of our Lord one thousand six hundred sixty-two, or at or before his or their respective admission to be incumbemt or have possession aforesaid, subscribe the declaration or acknowledgment following, *scilicet*.

IX. **I** *A. B.* do declare, that it is not lawful upon any pretence whatsoever to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person or against those that are commissioned by him; and that I will conform to the liturgy of the church of *England*, as it is now by law established: and I do declare that I do hold, there lies no obligation upon me or on any other person, from the oath commonly called, the solemn league and covenant, to endeavour any change or alteration of government either in church or state; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.

The declaration.
In part
abolished by
1 W. & M.
sess. 1, c. 8,
sec. 11.

X. Which said declaration and acknowledgments shall be subscribed by every of the said masters and other heads, fellows, chaplains and tutors of or in any college, hall or house of learning, and by every public professor and reader in either of the universities, before the vice chancellor of the respective universities for the time being or his deputy: and the said declaration or acknowledgment shall be subscribed before the respective archbishop, bishop or ordinary of the diocese, by every other person hereby enjoined to subscribe the same; upon pain that all and every of the persons aforesaid failing in such subscription, shall lose and forfeit such respective deanery, canonry, prebend, mastership, headship, fellowship, professor's place, reader's place, parsonage, vicarage, ecclesiastical dignity or promotion, curate's place, lecture and school, and shall be utterly disabled, and, *ipso facto*, deprived of the same: and that every such respective deanery, canonry, prebend, mastership, headship, fellowship, professor's place, reader's place, parsonage, vicarage, ecclesiastical dignity or promotion, curate's place, lecture and school, shall be void, as if such person so failing were naturally dead.

The penalty
for not sub-
scribing.

XI. And if any schoolmaster or other person, instructing or teaching youth in any private house or family as a tutor or schoolmaster, shall instruct or teach any youth as a tutor or schoolmaster, before license obtained from his respective archbishop, bishop or ordinary of the diocese, according to the laws and statutes of this realm, (for which he shall pay twelve pence only) and before such subscription and acknowledgment made as aforesaid; then every such schoolmaster and other, instructing and teaching as aforesaid, shall for the first offence suffer three months' imprisonment without bail or mainprize; and for every second, and other such offence, shall suffer three months' imprisonment without bail or mainprize, and also forfeit to his majesty the sum of five pounds: and after such subscription made, every such parson, vicar, curate and lecturer shall procure a

Schoolmas-
ters in pri-
vate houses.

certificate under the hand and seal of the respective archbishop, bishop or ordinary of the diocese, (who are hereby enjoined and required upon demand to make and deliver the same) and shall publicly and openly read the same, together with the declaration or acknowledgment aforesaid, upon some Lord's day within three months then next following, in his parish church where he is to officiate, in the presence of the congregation there assembled, in the time of divine service; upon pain that every person failing therein, shall lose such parsonage, vicarage or benefice, curate's place, or lecturer's place respectively, and shall be utterly disabled, and *ipso facto* deprived of the same; and that the said parsonage, vicarage or benefice, curate's place or lecturer's place, shall be void as if he was naturally dead.

What to be omitted in the declaration after the 25th of March 1682.

XII. Provided always, that from and after the twenty-fifth day of *March* which shall be in the year of our Lord God one thousand six hundred eighty-two, there shall be omitted in the said declaration or acknowledgment so to be subscribed and read, these words following, *scilicet*

AND I do declare, that I do hold there lies no obligation on me, or on any other person, from the oath commonly called, the solemn league and covenant, to endeavour any change or alteration of government either in church or state, and that the same was in itself an unlawful oath and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.

So as none of the persons aforesaid shall from thenceforth be at all obliged to subscribe or read that part of the said declaration or acknowledgment.

Persons not ordained priests or deacons according to episcopal ordination, shall not hold any ecclesiastical promotion.

XIII. Provided always, and be it enacted, that from and after the Feast of *Saint Bartholomew*, which shall be in the year of our Lord one thousand six hundred sixty and two, no person who is now incumbent, and in possession of any parsonage, vicarage or benefice, and who is not already in holy orders by episcopal ordination, or shall not before the said Feast day of *Saint Bartholomew* be ordained priest or deacon, according to the form of episcopal ordination, shall have, hold or enjoy the said parsonage, vicarage, benefice with cure, or other ecclesiastical promotion within this kingdom of *England* or the dominion of *Wales*, or town of *Berwick-upon-Tweed*, but shall be utterly disabled, and, *ipso facto*, deprived of the same, and all his ecclesiastical promotions shall be void, as if he was naturally dead.

Nor shall consecrate or administer the holy sacrament, if not ordained according to the book of common prayer.

The penalty.

XIV. And be it further enacted by the authority aforesaid, that no person whatsoever shall thenceforth be capable to be admitted to any parsonage, vicarage, benefice or other ecclesiastical promotion or dignity whatsoever, nor shall presume to consecrate and administer the holy sacrament of the Lord's supper, before such time as he shall be ordained priest according to the form and manner in and by the said book prescribed, unless he have formerly been made priest by episcopal ordination; upon pain to forfeit for every offence the sum of one hundred pounds; one moiety thereof to the king's majesty, the other moiety thereof to be equally divided between the poor of the parish where the offence shall be committed; and such person or persons as shall sue for the same by action of debt, bill,

plaint or information, in any of his majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed, and to be disabled from taking or being admitted into the order of priest, by the space of one whole year then next following.

XV. Provided that the penalties in this act shall not extend to the foreigners or aliens of the foreign reformed churches allowed or to be allowed by the king's majesty, his heirs and successors in *England*.

XVI. Provided always, that no title to confer or present by lapse, shall accrue by any avoidance or deprivation *ipso facto* by virtue of this statute, but after six months after notice of such avoidance or deprivation given by the ordinary to the patron, or such sentence of deprivation openly and publicly read in the parish church of the benefice, parsonage or vicarage becoming void, or whereof the incumbent shall be deprived by virtue of this act.

XVII. And be it further enacted by the authority aforesaid, that no form or order of common prayers, administration of sacraments, rites or ceremonies, shall be openly used in any church, chapel or other public place of or in any college or hall in either of the universities, the colleges of *Westminster*, *Winchester* or *Eton*, or any of them, other than what is prescribed and appointed to be used in and by the said book; and that the present governor or head of every college and hall in the said universities, and of the said colleges of *Westminster*, *Winchester* and *Eton*, within one month after the Feast of *Saint Bartholomew*, which shall be in the year of our Lord one thousand six hundred sixty and two: and every governor or head of any of the said colleges or halls hereafter to be elected or appointed, within one month next after his election or collation, and admission into the same government or headship, shall openly and publicly in the church, chapel, or other public place of the same college or hall, and in the presence of the fellows and scholars of the same, or the greater part of them then resident, subscribe unto the nine and thirty articles of religion, mentioned in the statute made in the thirteenth year of the reign of the late queen *Elizabeth*, and unto the said book, and declare his unfeigned assent and consent unto, and approbation of, the said articles, and of the same book, and to the use of all the prayers, rites and ceremonies, forms and orders in the said book prescribed and contained, according to the form aforesaid; and that all such governors or heads of the said colleges and halls, or any of them, as are or shall be in holy orders, shall once, at least, in every quarter of the year (not having a lawful impediment) openly and publicly read the morning prayer and service in and by the said book appointed to be read in the church, chapel, or other public place of the same college or hall: upon pain to lose, and be suspended of and from all the benefits and profits belonging to the same government or headship, by the space of six months, by the visitor or visitors of the same college or hall; and if any governor or head of any college or hall, suspended for not subscribing unto the said articles and book, or for not reading of the morning prayer and service as aforesaid, shall not at or before the end of six months next after such suspension, subscribe unto the said articles and book and declare his consent thereunto as aforesaid, or read the morning

No other form of common prayer to be openly used in any church or public place.

Subscription to the thirty-nine articles mentioned in the stat. 13 Eliz. c. 12.

prayer and service as aforesaid, then such government or headship shall be, *ipso facto*, void.

Who may
use the ser-
vice in latin.

XVIII. Provided always, that it shall and may be lawful to use the morning and evening prayer, and all other prayers and service prescribed in and by the said book, in the chapels or other public places of the respective colleges and halls in both the universities, in the colleges of *Westminster*, *Winchester* and *Eton*, and in the convocations of the clergies of either province, in Latin: any thing in this act contained to the contrary notwithstanding.

Lectures.

XIX. And be it further enacted by the authority aforesaid, that no person shall be or be received as a lecturer, or permitted, suffered or allowed to preach as a lecturer, or to preach or read any sermon or lecture in any church, chapel, or other place of public worship, within this realm of *England* or the dominion of *Wales*, and town of *Berwick-upon-Tweed*, unless he be first approved, and thereunto licensed by the archbishop of the province or bishop of the diocese, or (in case the see be void) by the guardian of the spiritualties, under his seal, and shall in the presence of the same archbishop or bishop, or guardian, read the nine and thirty articles of religion mentioned in the statute of the thirteenth year of the late queen *Elizabeth*, with declaration of his unfeigned assent to the same; and that every person and persons who now is, or hereafter shall be licensed, assigned and appointed, or received as a lecturer, to preach upon any day of the week in any church, chapel or place of public worship within this realm of *England* or places aforesaid, the first time he preacheth (before his sermon) shall openly, publicly and solemnly read the common prayers and service in and by the said book appointed to be read for that time of the day, and then and there publicly and openly declare his assent unto, and approbation of, the said book, and to the use of all the prayers, rites and ceremonies, forms and orders therein contained and prescribed, according to the form before appointed in this act: and also shall upon the first lecture day of every month afterwards, so long as he continues lecturer or preacher there, at the place appointed for his said lecture or sermon, before his said lecture or sermon, openly, publicly and solemnly read the common prayers and service in and by the said book appointed to be read for that time of the day at which the said lecture or sermon is to be preached, and after such reading thereof shall openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent unto, and approbation of, the said book, and to the use of all the prayers, rites and ceremonies forms and orders therein contained and prescribed, according to the form aforesaid; and that all and every such person and persons who shall neglect or refuse to do the same, shall from thenceforth be disabled to preach the said or any other lecture or sermon in the said or any other church, chapel or place of public worship, until such time as he and they shall openly, publicly and solemnly read the common prayers and service appointed by the said book, and conform in all points to the things therein appointed and prescribed, according to the purport, true intent and meaning of this act.

13 Eliz. c. 12.

Lectures in
cathedral or
collegiate
churches.

XX. Provided always, that if the said sermon or lecture be to be preached or read in any cathedral or collegiate church or chapel, it

shall be sufficient for the said lecturer, openly at the time aforesaid, to declare his assent and consent to all things contained in the said book, according to the form aforesaid.

XXI. And be it further enacted by the authority aforesaid, that if any person who is by this act disabled, to preach any lecture or sermon, shall during the time that he shall continue and remain so disabled, preach any sermon or lecture; that then for every such offence, the person and persons so offending shall suffer three months' imprisonment in the common gaol without bail or mainprize; and that any two justices of the peace of any county of this kingdom and places aforesaid, and the mayor or other chief magistrate of any city or town corporate within the same, upon certificate from the ordinary of the place made to him or them of the offence committed, shall and are hereby required to commit the person or persons so offending, to the gaol of the same county, city or town corporate accordingly.

The penalty upon persons disabled that preach. Explained by 15 Car. 2, c. 6. sec. 7.

XXII. Provided always, and be it further enacted by the authority aforesaid, that at all and every time and times when any sermon or lecture is to be preached the common prayers and service in and by the said book appointed to be read for that time of the day shall be openly, publicly and solemnly read by some priest or deacon, in the church, chapel or place of public worship, where the said sermon or lecture is to be preached, before such sermon or lecture be preached, and that the lecturer, then to preach shall be present at the reading thereof.

Common prayer to be read before every lecture and the lecturer to be present.

XXIII. Provided nevertheless, that this act shall not extend to the university churches in the universities of this realm, or either of them, when or at such times as any sermon or lecture is preached or read in the said churches, or any of them, for or as the public university sermon or lecture; but that the same sermons and lectures may be preached or read in such sort and manner as the same have been heretofore preached or read; this act, or any thing herein contained, to the contrary thereof in anywise notwithstanding.

Proviso for sermons and lectures in the universities.

XXIV. And be it further enacted by the authority aforesaid, that the several good laws and statutes of this realm, which have been formerly made, and are now in force, for the uniformity of prayer and administration of the sacraments, within this realm of *England* and places aforesaid, shall stand in full force and strength, to all intents and purposes whatsoever, for the establishing and confirming of the said book, entitled *The Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England; together with the psalter or psalms of David, pointed as they are to be sung or said in churches, and the form or manner of making, ordaining and consecrating of bishops, priests and deacons*, hereinbefore mentioned to be joined and annexed to this act; and shall be applied, practised and put in ure for the punishing of all offences contrary to the said laws, with relation to the book aforesaid, and no other.

The laws and statutes formerly made for uniformity of common prayer, confirmed, and to be executed for punishing offenders against this law.

XXV. Provided always, and be it further enacted by the authority aforesaid, that in all those prayers, litanies and collects, which do any way relate to the king, queen or royal progeny, the names be

Litanies and collects relating to the king, queen, &c.

altered and changed from time to time, and fitted to the present occasion, according to the direction of lawful authority.

True printed copies of the book of common prayer to be provided in all parishes and churches.

XXVI. Provided also, and be it enacted by the authority aforesaid, that a true printed copy of the said book, entitled *The Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of England, together with the psalter or psalms of David, pointed as they are to be sung or said in churches, and the form and manner of making, ordaining and consecrating of bishops, priests and deacons*, shall at the costs and charges of the parishioners of every parish church and chapelry, cathedral church, college and hall be attained and gotten before the Feast day of *Saint Bartholomew* in the year of our Lord one thousand six hundred sixty and two; upon pain of forfeiture of three pounds by the month, for so long time as they shall then after be unprovided thereof, by every parish or chapelry, cathedral church, college and hall, making default therein.

Proviso for the bishops of Hereford, St. David's, Asaph, Bangor, Llandaff

XXVII. Provided always, and be it enacted by the authority aforesaid, that the bishops of *Hereford, Saint David's, Asaph, Bangor and Llandaff*, and their successors, shall take such order among themselves, for the souls' health of the flocks committed to their charge within *Wales*, that the book hereunto annexed be truly and exactly translated into the *British* or *Welsh* tongue; and that the same so translated, and being by them, or any three of them at the least viewed, perused and allowed, be imprinted to such number at least, so that one of the said books so translated and imprinted, may be had for every cathedral, collegiate and parish church, and chapel of ease, in the said respective dioceses and places in *Wales*, where the *Welsh* is commonly spoken or used, before the first day of *May* one thousand six hundred and sixty-five; and that from and after the imprinting and publishing of the said book so translated, the whole divine service shall be used and said by the ministers and curates throughout all *Wales* within the said dioceses where the *Welsh* tongue is commonly used, in the *British* or *Welsh* tongue, in such manner and form as is prescribed according to the book hereunto annexed to be used in the *English* tongue, differing nothing in any order or form from the said *English* book; for which book, so translated and imprinted, the churchwardens of every the said parishes shall pay out of the parish money in their hands for the use of the respective churches, and be allowed the same on their account; and that the said bishops and their successors, or any three of them at the least, shall set and appoint the price for which the said book shall be sold: and one other book of common prayer in the *English* tongue shall be bought and had in every church throughout *Wales*, in which the book of common prayer in *Welsh* is to be had by force of this act, before the first day of *May* one thousand six hundred sixty and four, and the same books to remain in such convenient places within the said churches, that such as understand them may resort at all convenient times to read and peruse the same, and also such as do not understand the said language, may by conferring both tongues together, the sooner attain to the knowledge of the *English* tongue; any thing in this act to the contrary notwithstanding: and until printed copies of the said book so to be translated may be had and

provided, the form of common prayer established by parliament before the making of this act, shall be used as formerly in such parts of *Wales* where the *English* tongue is not commonly understood.

XXVIII. And to the end that the true and perfect copies of this act, and the said book hereunto annexed, may be safely kept and perpetually preserved, and for the avoiding of all disputes for the time to come; be it therefore enacted by the authority aforesaid, that the respective deans and chapters of every cathedral or collegiate church within *England* and *Wales* shall at their proper costs and charges, before the twenty-fifth day of *December*, one thousand six hundred sixty and two, obtain under the great seal of *England* a true and perfect printed copy of this act, and of the said book annexed hereunto, to be by the said deans and chapters, and their successors, kept and preserved in safety for ever, and to be also produced and shewed forth in any court of record, as often as they shall be thereunto lawfully required; and also there shall be delivered true and perfect copies of this act and of the same book, into the respective courts at *Westminster*, and into the tower of *London*, to be kept and preserved for ever among the records of the said courts, and the records of the tower, to be also produced and shewed forth in any court, as need shall require; which said books so to be exemplified under the great seal of *England*, shall be examined by such persons as the king's majesty shall appoint, under the great seal of *England*, for that purpose, and shall be compared with the original book hereunto annexed, and shall have power to correct and amend in writing any error committed by the printer in the printing of the same book, or of any thing therein contained, and shall certify in writing under their hands and seals, or the hands and seals of any three of them at the end of the same book, that they have examined and compared the same book, and find it to be a true and perfect copy; which said books, and every one of them, so exemplified under the great seal of *England* as aforesaid, shall be deemed, taken, adjudged and expounded to be good and available in the law, to all intents and purposes whatsoever, and shall be accounted as good records as this book itself hereunto annexed; any law or custom to the contrary in anywise notwithstanding.

True and perfect copies of this act, and the book of common prayer, by whom, and how to be had and kept.

XXIX. Provided also, that this act, nor any thing therein contained, shall not be prejudicial or hurtful unto the king's professor of the law within the university of *Oxford*, for or concerning the prebend of *Shipton* within the cathedral church of *Sarum*, united and annexed unto the place of the same king's professor for the time being by the late king *James* of blessed memory.

Proviso for the king's professor of law in *Oxford*.

XXX. Provided always, that whereas the six and thirtieth article of the nine and thirty articles agreed upon by the archbishops and bishops of both provinces, and the whole clergy, in the convocation holden at *London* in the year of our Lord one thousand five hundred sixty-two, for the avoiding of diversities of opinions, and for establishing of consent touching true religion, is in these words following, *viz.*

Proviso concerning the 36th article agreed in the convocation. Anno 1562.

“ That the book of consecration of archbishops and bishops, and ordaining of priests and deacons, lately set forth in the time of king *Edward* the sixth, and confirmed at the same time by authority of parliament, doth contain all things necessary to such consecration

and ordaining, neither hath it any thing that of itself is superstitious and ungodly : and therefore whosoever are consecrated or ordered according to the rites of that book, since the second year of the aforesaid king *Edward* unto this time, or hereafter shall be consecrated or ordered according to the same rites, we decree all such to be rightly, orderly and lawfully consecrated and ordered ;”

XXXI. It be enacted, and be it therefore enacted by the authority aforesaid, that all subscriptions hereafter to be had or made unto the said articles by any deacon, priest or ecclesiastical person, or other person whatsoever, who by this act, or any other law now in force, is required to subscribe unto the said articles, shall be construed, and be taken to extend, and shall be applied (for and touching the said six and thirtieth article) unto the book containing the form and manner of making, ordaining and consecrating of bishops, priests and deacons, in this act mentioned, in such sort and manner as the same did heretofore extend unto the book set forth in the time of king *Edward* the sixth, mentioned in the said six and thirtieth article ; any thing in the said article, or in any statute, act or canon heretofore had or made, to the contrary thereof in anywise notwithstanding.

The common prayer used by authority of parliament.

1 Eliz. c. 2.
8 Eliz. c. 1,
to be used
until Bartholomew day
1662. EXP.

XXXII. Provided also, that the book of common prayer, and administration of the sacraments, and other rites and ceremonies of this church of *England*, together with the form and manner of ordaining and consecrating bishops, priests and deacons, heretofore in use, and respectively established by act of parliament in the first and eighth years of queen *Elizabeth*, shall be still used and observed in the church of *England*, until the Feast of *Saint Bartholomew*, which shall be in the year of our Lord God one thousand six hundred sixty and two. EXP. as to this last clause.

13 & 14 Car. 2,
c. 4, sec. 8.

15 CHARLES 2, CAP. 6.—*An act for relief of such persons as by sickness or other impediment were disabled from subscribing the declaration in the act of uniformity, and explanation of part of the said act.*—Whereas by an act of this present parliament, intituled *an act for uniformity of public prayer and administration of the sacraments, and other rites and ceremonies, and for the establishing the form of making, ordaining and consecrating bishops, priests and deacons, in the church of England*, it was enacted that every dean, canon and prebend of every cathedral or collegiate church, and all masters and fellows of any college, hall, house of learning or hospital, and every parson, vicar, curate, and every other person in holy orders, who upon the first day of *May*, which should be in the year of our Lord God one thousand six hundred sixty and two, or at any time thereafter should be incumbent or have possession of any deanery, canonry, prebend, mastership, fellowship, parsonage, vicarage, or any other ecclesiastical dignity or promotion, should before the Feast day of *Saint Bartholomew*, which should be in the year of our Lord one thousand six hundred sixty and two, subscribe the declaration or acknowledgement in the said act mentioned and expressed, before the respective archbishops, bishops, ordinaries or vice-chancellors of the respective universities ; upon pain that all and every of the persons aforesaid, failing in such subscription, should lose and forfeit such respective deanery, canonry, prebend, mastership, fellowship,

parsonage, vicarage, ecclesiastical dignity or promotion, and should be utterly disabled, and *ipso facto* deprived of the same; and that every such respective deanery, canonry, prebend, mastership, fellowship, parsonage, vicarage, ecclesiastical dignity or promotion, should be void, as if such person so failing were naturally dead: and that after such subscription made, every such parson, vicar, curate and lecturer, should procure a certificate under the hand and seal of the respective archbishop, bishop, or ordinary of the diocese, and should publicly and openly read the same, together with the declaration or acknowledgment aforesaid, upon some Lord's day within three months then next following, in his parish church where he was to officiate, in the presence of the congregation there assembled, in the time of divine service; upon pain that every person failing therein should lose such parsonage, vicarage or benefice respectively, and should be utterly disabled, and *ipso facto* deprived of the same, and that the said parsonage, vicarage or benefice should be void, as if he were naturally dead.

II. And whereas divers persons of eminent loyalty to his majesty, and of known affection to the liturgy of the church of *England*, who by the said act were required to subscribe the said declaration or acknowledgment, at the time of the passing of the said act were out of this realm, in *Ireland*, or other parts beyond the seas, upon lawful and justifiable occasions, and had no knowledge or notice thereof until their return into *England*, being after the said Feast of *Saint Bartholomew*; and divers other of the said loyal and well affected persons, by reason of sickness, imprisonment, disability of body, or otherwise, could not or did not resort unto their respective archbishops, bishops or ordinaries, or vice-chancellors of the respective universities, before whom such subscription was appointed by the said act to be made; all which said persons are by force of the said act utterly disabled, and *ipso facto* deprived of their respective deaneries, canonries, prebendaries, masterships, fellowships, parsonages, vicarages, or other ecclesiastical benefices or promotions, by reason of such their omission.

III. For remedy whereof, and for the relief of such persons, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that all deans, canons, prebendaries, masters and fellows of any colleges, halls or other houses of learning, and all parsons, vicars and other ecclesiastical persons aforesaid, who at the time of the passing of the said act being in *Ireland*, or any the parts beyond the seas, did not return into this kingdom before the said Feast of *Saint Bartholomew*, one thousand six hundred sixty and two, or who being in *England*, by imprisonment, sickness, disability of body, or otherwise, did not resort unto their respective archbishop, bishop, ordinary or vice-chancellor of the said respective universities, to subscribe the said declaration and acknowledgment, before the said feast in the year of our Lord aforesaid, shall be and are hereby declared to be restored unto and preserved in their respective deaneries, canonries, prebendaries, masterships, fellowships, parsonages, vicarages, and other ecclesiastical benefices and promotions, whereunto no other person or

persons before the first day of *August* in the year of our Lord one thousand six hundred sixty and three were or shall be lawfully instituted, inducted, collated or placed; and shall and may hold and enjoy the same according to his and their former right; the aforesaid act, or any thing therein contained, to the contrary notwithstanding.

IV. Provided, that every such dean, canon, prebendary, master and fellow of any college, hall or house of learning, and all parsons, vicars and curates, and other ecclesiastical persons, who are or shall by virtue of this act be restored to or preserved in their said several and respective promotions, shall before the Feast of the Nativity of our Lord next ensuing, if he be in *England*, or if beyond the seas, within forty days after his return into *England*, subscribe the said declaration or acknowledgment before the respective archbishop, bishop or ordinary of the diocese, or vice-chancellor aforesaid respectively; and that every such parson, vicar, curate or lecturer shall procure a certificate under the hand and seal of the respective archbishop, bishop or ordinary of the diocese (who are hereby required and enjoined upon demand to make and deliver such certificate) and shall publicly and openly read the same, together with the declaration or acknowledgment aforesaid, upon some Lord's day within three months then next following such subscription, in his parish church where he is to officiate, in the presence of the congregation then assembled, in the time of divine service.

V. And be it further enacted and declared by the authority aforesaid, that every subscription already made, or hereafter to be made, before any vicar general or chancellor to any archbishop or bishop, or commissary to the archbishop of *Canterbury* or any other bishop, is and shall be as effectual and beneficial in law to all intents and purposes to every person and persons which have or shall make such subscription as aforesaid, as if the same had been made before the archbishop or bishop of the province or diocese respectively; any thing in the aforesaid act to the contrary notwithstanding.

VI. Provided also, that every person who shall have benefit by this act, shall make such allowance for serving the cure since the twenty-fourth of *August* one thousand six hundred sixty-two, as shall be judged fit by the ordinary of the place, and shall pay and discharge all tenths, pensions and other charges, wherewith the benefice to which he is by this act restored, hath been or might be legally charged since the day aforesaid.

VII. And whereas some doubt hath arisen, whether persons prohibited to preach by the said act are in the same plight as to punishment, with persons disabled by the said act to preach; be it declared and enacted by the authority aforesaid, that the penalties by the said act to be inflicted upon any person disabled by the said act to preach, for any offence against the said act, shall in like manner be inflicted upon every person so offending, that is prohibited by the said act to preach; any thing, doubt or ambiguity in the said act to the contrary notwithstanding.

Persons prohibited to preach.
13 & 14 Car.2,
c. 4.

1 WILLIAM & MARY, SESS. 1, CAP. 18.—*An act for exempting their majesties' Protestant subjects dissenting from the church of England, from the penalties of certain laws.*—See Title—"DISSENTERS, ENGLAND," vol ii. p. 535.

5 ANNE, CAP. 5.—*An act for securing the church of England as by law established.*—See Title—"CHURCH, EPISCOPAL, IN SCOTLAND," vol. i. p. 593.

5 ANNE, CAP. 8, SECS. 2—11.—*An act for the union of the two kingdoms of England and Scotland.*—See Title—"UNION OF ENGLAND AND SCOTLAND."

9 GEORGE 2, CAP. 6.—*An act to indemnify persons who have omitted to read the prayers, and make and subscribe the declarations directed to be read, made and subscribed by the act of uniformity of the thirteenth and fourteenth years of the reign of king Charles the second, within the time limited by law, and for allowing further time for doing thereof.* EXP.—Whereas by an act of parliament, made in the thirteenth and fourteenth years of the reign of his late majesty king Charles the second, intituled *an act for the uniformity of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining and consecrating of bishops, priests and deacons in the church of England*, it was, among other things enacted, that every person who should thereafter be presented or collated, or put into any ecclesiastical benefice or promotion, within the realm of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, should, in the church, chapel or place of public worship, belonging to the said benefice or promotion, within two months next after that he should be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publicly and solemnly, read the morning and evening prayer appointed to be read by and according to the book of common prayer therein before mentioned, at the times thereby appointed or to be appointed: and after such reading thereof, should openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed, according to the form therein before appointed; and that all and every such persons who should (without some lawful impediment to be allowed and approved of by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, or in case of such impediment, within one month after such impediment removed, should *ipso facto* be deprived of all his said ecclesiastical benefices and promotions; and that from thenceforth it should be lawful for all patrons of all and singular the said ecclesiastical benefices and promotions, or any of them, according to their respective rights and titles, to present or collate the same, as though the person or persons so offending or neglecting were dead: and also that every dean, canon and prebendary of every cathedral or collegiate church, and all masters or other heads, fellows, chaplains and tutors, of or in any college, hall, house of learning or hospital, and every public professor and reader in either of the universities, and in every college elsewhere; and every parson, vicar, curate, lecturer, and every other person in holy orders, and every schoolmaster keeping any public or private school, and every person instructing or teaching any youth in any house or private family as a tutor or schoolmaster, who upon the first day of *May* which should be in the year of our Lord one thousand six hundred and sixty-two, or at any time thereafter, should be incumbent or have possession of any

Preamble,
reciting the
uniformity
act.
13 & 14 Car. 2,
c. 4.

deanery, canonry, prebend, mastership, headship, fellowship, professor's place or reader's place, parsonage, vicarage or any other ecclesiastical dignity or promotion, or of any curate's place, lecture or school, or should instruct or teach any youth as tutor or schoolmaster, should, before the Feast day of *Saint Bartholomew* which should be in the year of our Lord one thousand six hundred sixty-two, or at or before his or their respective admission to be incumbent or have possession, subscribe a declaration or acknowledgment, wherein, among other words, which by an act of parliament made in the first year of the reign of their late majesties king *William* and queen *Mary*, are directed from thenceforth not to be enjoined or required, are contained the words following; that is to say, *I A. B. do declare, that I will conform to the liturgy of the church of England, as it is now by law established*; upon pain that all and every the persons last mentioned, failing in such subscription, shall lose and forfeit such respective deanery, prebend, canonry, mastership, headship, fellowship, professor's place, reader's place, ecclesiastical dignity or promotion, curate's place, lecture and school: and whereas several persons have through inadvertency either wholly omitted to read the said prayers, and to make and subscribe the said several declarations or one of them, or have not done it within the time, and in the manner by law required; and have thereby incurred the forfeitures in such case inflicted by the said recited act of the thirteenth and fourteenth years of king *Charles* the second; and the validity of leases made, and other acts done by them since such forfeitures incurred, may by reason thereof be controverted and avoided, &c. EXP.

Act 13 Eliz.
c. 12.
Act 13 & 14
Car. 2, c. 4.

11 GEORGE 2, CAP. 31.—*An act to indemnify persons who have omitted to qualify themselves for offices, or to read the prayers and make the declarations and subscriptions required within the respective times limited by law: and for allowing further time for those purposes.*—

Persons qualifying themselves according to the said acts by twenty-eighth *November*, one thousand seven hundred and thirty-eight, and taking the oaths of office by first *August* one thousand seven hundred and thirty-eight, indemnified. All persons required by law to read the articles of religion, and the prayers, indemnified, if they do so by twenty-fourth *December* one thousand seven hundred and thirty-eight. This act not to restore persons to places already forfeited. EXP.

13 & 14 Car. 2,
c. 4, sec. 6.

23 GEORGE 2, CAP. 28.—*An act to explain part of an act passed in the thirteenth and fourteenth years of the reign of king Charles the second, for the uniformity of public prayers, and administration of sacraments; and also part of an act passed in the thirteenth year of the reign of queen Elizabeth, for the ministers of the church to be of sound religion.*—Whereas by an act passed in the thirteenth and fourteenth years of the reign of the late king *Charles* the second, intituled *an act for the uniformity of public prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating bishops, priests and deacons, in the church of England*; it was enacted, that every person who should thereafter be presented or collated, or put into any ecclesiastical benefice or promotion, within *England*, the dominion

of *Wales*, and town of *Berwick-upon-Tweed*, should, in the church, chapel, or place of public worship, belonging to his said benefice or promotion, within two months next after that he shall be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publicly and solemnly read the morning and evening prayers appointed to be read by and according to the book of common prayer, at the times thereby appointed or to be appointed; and after such reading thereof, should openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed, according to the form therein before appointed; and that all and every such person who should (without some lawful impediment, to be allowed and approved by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, (or, in case of such impediment, within one month after such impediment removed) should *ipso facto* be deprived of all his said ecclesiastical benefices and promotions; and that from thenceforth, it should and might be lawful to and for all patrons and donors of all and singular the said ecclesiastical benefices and promotions, or any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead: and it was by the said act (amongst other things) further enacted, that every parson, vicar, curate, lecturer, and every other person in holy orders, should, before his or their respective admission to be incumbent, or have possession of any parsonage, vicarage or any curate's place or lecture, subscribe the declaration or acknowledgment therein directed, before the respective archbishop, bishop or ordinary of the diocese; upon pain that all and every of the persons aforementioned, failing in such subscription, should lose and forfeit such respective parsonage, vicarage, curate's place or lecture, and should be utterly disabled and *ipso facto* deprived of the same; and that every such respective parsonage, vicarage, curate's place or lecture, should be void, as if such person so failing were naturally dead; and that after such subscription made, every parson, vicar, curate or lecturer should procure a certificate under the hand and seal of the respective archbishop, bishop or ordinary of the diocese (who were thereby enjoined and required, upon demand, to make and deliver the same) and should publicly and openly read the same, together with the declaration or acknowledgment therein mentioned, upon some Lord's day within three months then next following, in his parish church where he was to officiate, in the presence of the congregation there assembled, in the time of divine service; upon pain, that every person failing therein, should lose such parsonage, vicarage or benefice, curate's place or lecturer's place respectively, and should be utterly disabled and *ipso facto* deprived of the same; and that the said parsonage, vicarage or benefice, curate's place or lecturer's place should be void, as if he were naturally dead: and whereas doubts have arisen, whether the allowance and approbation of any lawful impediment before mentioned doth extend to both the said before recited cases, or whether any archbishop, bishop or other ordinary, hath power by the said act to allow and approve of any lawful impediment, as to reading the

Allowance of a lawful impediment extended to the not reading the certificate and declaration, within the time limited.

said last mentioned certificate and declaration, within the time limited by the said act: for the obviating thereof, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every allowance and approbation of any lawful impediment already given and declared, or which shall hereafter be given and declared, in pursuance of the said act, by any archbishop, bishop or ordinary, to any person for or in respect of not reading in the church, chapel or place of public worship, belonging to his benefice or promotion, within two months next after that he shall be in the actual possession of the said benefice or promotion, upon some Lord's day, openly, publicly and solemnly, the morning and evening prayers, appointed to be read by and according to the said book of common prayer, and for or in respect of not openly and publicly, before the congregation there assembled, declaring his unfeigned assent and consent to the use of all things therein contained and prescribed, shall extend, and be construed to extend, to the not reading the said last mentioned certificate and declaration, although the same be not mentioned in the said allowance and approbation, for the like time as the said allowance and approbation shall extend to.

13 Eliz. c. 12.

Persons who shall read the articles and declaration at the time of reading the morning and evening prayers; are declared to have complied with the intent of 13 Eliz.

II. And whereas by an act passed in the thirteenth year of the reign of queen *Elizabeth*, intituled *an act for the ministers of the church to be of sound religion*; it was (amongst other things) enacted, that every person who should be admitted to a benefice with cure, except that within two months after his induction, he should publicly read the articles therein mentioned, in the same church whereof he should have cure, in the time of common prayer there, with declaration of his unfeigned assent thereunto, should be, upon every such default *ipso facto* immediately deprived: and whereas it hath happened, and may hereafter happen, through sickness, or other lawful impediment, that divers persons have been, and may be hindered from reading the said articles, and making the said declaration, within the time directed by the said act, and yet such person, after such sickness, or other lawful impediment removed, hath read, and may hereafter read the said articles, and make the said declaration; and it is reasonable that such persons should be deemed to have complied with the true intent and meaning of the said act; be it therefore further enacted by the authority aforesaid, that every person who hath already read, or who shall hereafter read the said articles, and hath made, or shall hereafter make the said declaration, at the same time that he did read, or shall hereafter read the morning and evening prayer, and declare his unfeigned assent and consent to the use of all things therein contained and prescribed, according to the directions of the said in part recited act of the thirteenth and fourteenth years of the reign of king *Charles* the second, shall be, and is hereby declared and adjudged to have complied with the true intent and meaning of the said act of the thirteenth year of the reign of queen *Elizabeth*, although the same were not, or may not be read within the space of two months after such person's induction into any benefice with cure; and that every such person shall, and he is hereby declared to be freed and discharged from any deprivation, or

other forfeiture by virtue of the said act; any thing therein contained to the contrary notwithstanding.

III. Provided always, that this act shall not extend to restore any person to any parsonage, vicarage or benefice, curate's place or lecturer's place, which, for want of reading such certificate and declaration, within the time directed by the said first in part recited act, or of reading the said articles and declaration concerning the same, according to the said last mentioned act, hath been forfeited or become void, and is already filled up or enjoyed by any person or persons whatsoever.

Limitation
of this act.

39 & 40 GEORGE 3, CAP. 67, ART. 5.—*An act for the union of Great Britain and Ireland.*—See Title—"UNION OF GREAT BRITAIN AND IRELAND."

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman catholic subjects.*—Whereas Roman catholics, and persons professing the Roman catholic religion, were, by certain acts made and passed by the parliament of *England* and the parliament of *Great Britain* rendered liable to punishments, pains, penalties, and disabilities for or on account of their religious belief or profession, to which punishments, pains, penalties and disabilities none other of her majesty's subjects are liable: and whereas it is expedient to amend the law in this respect: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that from and after the passing of this act the several acts hereinafter mentioned, or so much and such parts of any of them as are hereinafter specified, shall be repealed; (that is to say),

Certain acts
and parts of
acts repealed

So much of an act passed in the sixth year of the reign of king *Edward the sixth*, intituled *an act for the uniformity of service* 5 & 6 Ed. 6, c. 1.

and administration of sacraments throughout the realm, as relates to the offence of willingly and wittingly hearing and being present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to that act, than is mentioned and set forth in such book, so far as the same in any manner affects *Roman catholics*:

Also so much of an act passed in the first year of the reign of *queen Elizabeth*, 1 Eliz. c. 1.

intituled *an act to restore to the crown the ancient jurisdiction over the estate, ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*, whereby, after the following enactment, that if any person or persons dwelling or inhabiting within this your realm, or in any other your highness' realms or dominions, of what estate, dignity, or degree soever he or they be, after the end of thirty days next after the determination of this session of this present parliament, shall, by writing, printing, teaching, preaching, express words, deed, or act, advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the authority, pre-eminence, power, or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate whatsoever, heretofore claimed, used, or usurped within this realm,

or any dominion or country being within or under the power, dominion, or obeysance of your highness, or shall advisedly, maliciously, and directly put in ure or execute any thing for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, and authority, or any part thereof, that then every such person and persons so doing and offending, their abettors, aiders, procurers, and counsellors, being thereof lawfully convicted, and attainted, according to the due order and course of the common laws of this realm, for his or their first offence shall forfeit and lose unto your highness, your heirs and successors, all his and their goods and chattels, as well real as personal; and if any such person so convicted or attainted shall not have or be worth of his proper goods and chattels, to the value of twenty pounds at the time of his conviction or attainder, that then every such person so convicted or attainted, over and besides the forfeiture of all his said goods and chattels, shall have and suffer imprisonment by the space of one whole year, without bail or mainprize; it is enacted, that if any such offender or offenders, after such conviction or attainder, do eftsoons commit or do the said offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such offender and offenders shall for the same second offence incur into the dangers, penalties, and forfeitures ordained and provided by the statute of provision and premunire made in the sixteenth year of the reign of king *Richard* the second; and if any such offender or offenders, at any time after the said second conviction and attainder, do the third time commit and do the said offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such offence or offences shall be deemed and adjudged high treason; and that the offender or offenders therein, being thereof lawfully convicted and attainted according to the laws of this realm, shall suffer pains of death, and other penalties, forfeitures, and losses, as in cases of high treason by the laws of this realm:

1 Eliz. c. 2.

Also so much of act made and passed in the said first year of the reign of the said queen *Elizabeth*, intituled *an act for the uniformity of common prayer and service in the church, and administration of the sacraments*, whereby it is enacted, that all and every person and persons inhabiting within this realm or any other the queen's majesty's dominions shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof to some usual place where common prayer and such service of God shall be used in such time of let, upon every *Sunday* and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preaching, or other service of God there to be used and ministered, upon the pains, penalties, and punishments therein

mentioned, so far as these enactments of the last mentioned act relate to or affect *Roman catholics* :

Also so much of an act passed in the fifth year of the reign of 5 Eliz. c. 1. the said queen *Elizabeth*, intituled *an act for the assurance of the queen's royal power over all estates and subjects within her dominions*, as renders any person violating its provisions liable to the penalties of treason, or of the statute of *premunire* :

Also the whole of an act passed in the twenty-third year of the 23 Eliz. c. 1. reign of the said queen *Elizabeth*, intituled *an act to retain the queen's majesty's subjects in their due obedience* :

Also the whole of an act passed in the twenty-seventh year of 27 Eliz. c. 2. the reign of the said queen *Elizabeth*, intituled *an act against jesuits, seminary priests, and other such like disobedient persons* :

Also so much of an act passed in the twenty-ninth year of the 29 Eliz. c. 6. reign of the said queen *Elizabeth*, intituled *an act for the more speedy and due execution of certain branches of the statute made in the twenty-third year of the queen's majesty's reign, intituled an act to retain the queen's majesty's subjects in their due obedience*, as relates to or in any manner affects *Roman catholics* :

Also the whole of an act passed in the thirty-fifth year of the 35 Eliz. c. 1. reign of the said queen *Elizabeth* intituled *an act to retain the queen's majesty's subjects in their due obedience* :

Also the whole of an act passed in the said thirty-fifth year of the 35 Eliz. c. 2. reign of the said queen *Elizabeth*, intituled *an act for restraining popish recusants to some certain places of abode* :

Also an act passed in the first year of the reign of king *James* 1 Jac. 1, c. 4 the first, intituled *an act for the due execution of the statutes against jesuits, seminary priests, recusants, &c.*, except so much of the same act as relates to the keeping any school, or to the being a schoolmaster, or to the retaining or maintaining a schoolmaster :

Also so much of that part of an act passed in the third year of 3 Jac. 1, c. 1. the reign of the said king *James* the first, intituled *an act for a public thanksgiving to Almighty God every year on the fifth of November*, whereby it is enacted, that all and every person and persons inhabiting within this realm of *England* and the dominions of the same shall always upon that day diligently and faithfully resort to the parish church or chapel accustomed, or to some usual church or chapel where the said morning prayer, preaching, or other service of God shall be used, and then and there to abide orderly and soberly during the time of the said prayers, preaching, or other service of God then to be used and ministered, as relates to or in any manner affects *Roman catholics* :

Also so much and such parts of an act passed in the said third 3 Jac. 1, c. 4. year of the reign of the said king *James* the first, intituled *an act for the better discovering and repressing of popish recusants*, as relate to popish recusants, to the treasons created by the same act, and to the compelling any *Roman catholic* to resort to the church of the parish where he or she shall most usually abide or be within the year, and to receive the sacrament of the Lord's Supper :

- 3 Jac. 1, c. 5. Also another act passed in the said third year of the reign of the said king *James* the first, intituled *an act to prevent and avoid dangers which grow by popish recusants*, except those parts of the same act whereby it is enacted, that every person or persons that is or shall be a popish recusant convict during the time that he shall be or remain a recusant shall from and after the end of the then present session of parliament be utterly disabled to present to any benefice with cure or without cure, prebend or other ecclesiastical living, or to collate or nominate to any free school, hospital, or donative whatsoever, and from the beginning of the then present session of parliament shall likewise be disabled to grant any avoidance to any benefice, prebend, or other ecclesiastical living, and which specify the counties, cities, and other places and limits or precincts within which the chancellor and scholars of the university of *Oxford* and the chancellor and scholars of the university of *Cambridge* respectively have the presentation, nomination, collation, and donation of and to every such benefice, prebend, living, school, hospital, and donative as shall happen to be void during such time as a patron thereof shall be and remain a recusant convict as aforesaid; and whereby it is provided, that neither of the said chancellors and scholars of either of the said universities shall present or nominate, to any benefice with cure, prebend, or other ecclesiastical living, any such person as shall then have any other benefice with cure of souls, and if any such presentation or nomination shall be had or made of any such person so beneficed, the said presentation or nomination shall be void, any thing in this act to the contrary notwithstanding:
- 7 Jac. 1, c. 6. Also so much of an act passed in the seventh year of the reign of the said king *James* the first, intituled *an act for administering the oath of allegiance and reformation of married women recusants*, as relates to recusants or to the penalties of recusancy:
- 3 Car. 1, c. 2. Also the whole of an act passed in the third year of the reign of king *Charles* the first intituled *an act to restrain the passing or sending of any to be popishly bred beyond the seas*:
- 3 Car. 1, c. 4. Also so much and such parts of two acts respectively, the one passed in the said third year of the reign of the said king *Charles* the first, and intituled *an act for continuance and repeal of divers statutes*, and the other passed in the sixteenth year of the said last mentioned reign, and intituled *an act for the further relief of his majesty's army and the northern parts of the kingdom*, relating to the continuance of an act made in the thirty-fifth year of the reign of queen *Elizabeth*, intituled *an act to retain the queen's majesty's subjects in their due obedience*, as in any manner affect *Roman catholics*:
- 16 Car. 1, c. 4.
- 35 Eliz. c. 1.
- 13 & 14 Car. 2, c. 4. Also so much of an act passed in the thirteenth and fourteenth years of the reign of king *Charles* the second, intituled *an act for the uniformity of public prayers and administration of sacraments and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the church of England*, as confirms any act or part of any act hereby repealed:

Also so much of an act passed in the twenty-fifth year of the reign of the said king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, whereby it is enacted, "that if any person or persons, not bred up by his or their parent or parents from their infancy in the popish religion, and professing themselves to be popish recusants, shall breed up, instruct, or educate his or their child or children, or suffer them to be instructed or educated, in the popish religion, every such person being thereof convicted shall be from thenceforth disabled of bearing any office or place of trust or profit in church or state;" and whereby it is enacted, "that all such children as shall be so brought up, instructed, or educated are and shall be thereby disabled of bearing any such office or place of trust or profit until he and they shall be perfectly reconciled and converted to the church of *England*, and shall take the oaths of supremacy and allegiance aforesaid before the justices of the peace in the open quarter sessions of the county or place where they shall inhabit, and thereupon receive the sacrament of the Lord's Supper after the usage of the church of *England*, and obtain a certificate thereof under the hands of two or more of the said justices of the peace:"

Also so much of an act passed in the first session of parliament in the first year of the reign of king *William* the third and queen *Mary*, intituled *an act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, as renders liable any person or persons who shall refuse to take the oaths therein mentioned, or either of them, to imprisonment, fine, and disability to hold any office, civil or military, within this kingdom:

And also so much of the said last mentioned act as renders liable any person or persons who shall refuse to make and subscribe the declaration therein mentioned to the pains, penalties, forfeitures, and disabilities of and to be taken and deemed a popish recusant convict:

Also the whole of an act passed in the said first session in the said first year of the reign of the said king *William* the third and the said queen *Mary*, intituled *an act for the amoving papists and reputed papists from the cities of London and Westminster, and ten miles distance from the same*:

Also the whole of another act passed in the said first session and first year, intituled *an act for the better securing the government by disarming papists and reputed papists*:

Also the whole of another act passed in the said first session and first year, intituled *an act for rectifying a mistake in a certain act of this present parliament, for amoving papists from the cities of London and Westminster*.

II. And be it enacted, that this act or any part thereof may be repealed, altered, or varied at any time within this session of parliament.

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—Be it enacted by the queen's most excellent majesty, by and with

Certain acts
and parts of
acts repealed

the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act the statutes or ordinances and the several acts hereinafter mentioned, or so much and such parts of any of the said acts as are hereinafter specified, shall be repealed; (that is to say),

The statute or ordinance of the fifty-fourth and fifty-fifth years of the reign of king *Henry* the third, and the statute or ordinance commonly called *Statutum Judæismo*:

5 & 6 Ed. 6,
c. 1, secs. 1,
2, 3, 4, 6.

Also so much of an act passed in the fifth and sixth years of the reign of king *Edward* the sixth, intituled *an act for the uniformity of service and administration of sacraments throughout the realm*, as enacts, “that from and after the Feast of *All Saints* next coming all and every person and persons inhabiting within this realm, or any other the king’s majesty’s dominions, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or, upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every *Sunday*, and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of common prayer, preachings, or other service of God there to be used and ministered, upon pain of punishment by the censures of the church,” so far as the same affects persons dissenting from the worship or doctrines of the united church of *England* and *Ireland*, and usually attending some place of worship other than the established church: provided always, that no pecuniary penalty shall be imposed upon any person by reason of his so absenting himself as aforesaid:

Also so much of the said act as enacts, “that if any manner of person or persons inhabiting and being within this realm, or any other the king’s majesty’s dominions, shall, after the said Feast of *All Saints*, willingly and wittingly hear and be present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to this act, than is mentioned and set forth in the said book, or that is contrary to the form of sundry provisions and exceptions contained in the aforesaid former statute, and shall be thereof convicted according to the laws of this realm, before the justices of assize, justices of *oyer* and *determiner*, justices of peace in their sessions, or any of them, by the verdict of twelve men, or by his or their own confession, or otherwise, shall, for the first offence suffer imprisonment for six months, without bail or mainprize, and for the second offence, being likewise convicted as is abovesaid, imprisonment for one whole year, and for the third offence, in like manner, imprisonment during his or their lives:”

Also so much of the said act as enacts, “that for the more knowledge to be given hereof, and better observation of this law, all and singular curates shall, upon one *Sunday* every quarter of

the year, during one whole year next following the foresaid Feast of *All Saints* next coming, read this present act in the church at the time of the most assembly, and likewise once in every year following, at the same time declaring unto the people, by the authority of the scripture, how the mercy and goodness of God hath in all ages been shown to his people in their necessities and extremities, by means of hearty and faithful prayers made to Almighty God, especially where people be gathered together with one faith and mind to offer up their hearts by prayer as the best sacrifices that christian men can yield :”

Also so much of any act or acts of the parliament of *Ireland* as may have extended to *Ireland* the provisions of the said act of the fifth and sixth years of the reign of king *Edward* the sixth, so far as the same is hereby repealed :

Also so much of an act passed in the first year of the reign of ^{1 Eliz. c. 1} queen *Elizabeth*, intituled *an act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*, and of an act of the parliament of *Ireland* passed in the second year of the same ^{2 Eliz. c. 1.} queen’s reign, intituled *an act restoring to the crown the ancient* ^(I.) *jurisdiction of the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same*, as makes it punishable to affirm, hold, stand with, set forth, maintain, or defend, as therein is mentioned, the authority, pre-eminence, power, or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate theretofore claimed, used, or usurped within this realm, or any dominion or country being within or under the power, dominion, or obeisance of her highness, or to put in ure or execute any thing for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, and authority, or any part thereof, or to abet, aid, procure, or counsel any person so offending : provided always, and be it declared that nothing in this enactment contained shall authorize or render it lawful for any person or persons to affirm, hold, stand with, set forth, maintain, or defend any such foreign power, pre-eminence, jurisdiction, or authority, nor shall the same extend further than to the repeal of the particular penalties and punishments therein referred to, but in all other respects the law shall continue the same as if this enactment had not been made : provided further, that if any person in holy orders according to the rites and ceremonies of the united church of *England* and *Ireland* shall affirm, hold, stand with, set forth, maintain, or defend any such foreign power, pre-eminence, jurisdiction, or authority, such person shall be incapable of holding any ecclesiastical promotion, and, if in possession of any such promotion, may be deprived thereof by due course of law, in the same manner as for any other cause of deprivation :

Also so much of another act passed in the first year of the same ^{1 Eliz. c. 2.} queen’s reign, intituled *an act for the uniformity of common*

2 Eliz. c. 2.
(1.)

prayer and service in the church, and administration of the sacraments, and of another act of the parliament of Ireland, passed in the second year of the same queen's reign, intituled an act for the uniformity of common prayer and service in the church, and the administration of the sacraments, as relates to a person's resorting to his parish church or chapel accustomed, or, upon reasonable let thereof, to some usual place where common prayer and such service of God as in such acts are mentioned are used in such time of let, upon Sundays and other days ordained and used to be kept as holy days, and to his then and there abiding orderly and soberly during the time of the common prayer, preaching, or other service of God there used and ministered :

5 Eliz. c. 1.

Also an act passed in the fifth year of the same queen's reign, intituled *an act for the assurance of the queen's royal power over all estates and subjects within her dominions :*

13 Eliz. c. 2.

Also an act passed in the thirteenth year of the same queen's reign, intituled *an act against the bringing in and putting in execution of bulls, writings, or instruments, and other superstitious things, from the see of Rome, so far only as the same imposes the penalties or punishments therein mentioned ; but it is hereby declared that nothing in this enactment contained shall authorize or render it lawful for any person or persons to import, bring in, or put in execution within this realm any such bulls, writings, or instruments, and that in all respects, save as to the said penalties or punishments, the law shall continue the same as if this enactment had not been made :*

29 Eliz. c. 6.

Also an act passed in the twenty-ninth year of the same queen's reign, intituled *an act for the more speedy and due execution of certain branches of the statute made in the twenty-third year of the queen's majesty's reign, intituled an act to retain the queen's majesty's subjects in their due obedience :*

1 Jac. 1, c. 4.

Also an act passed in the first year of the reign of king *James* the first, intituled *an act for the due execution of the statutes against jesuits, seminary priests, recusants, &c. :*

3 Jac. 1, c. 1.
sec. 2, in
part.

Also so much of an act passed in the third year of the reign of the said king *James* the first, intituled *an act for a public thanksgiving to Almighty God every year on the fifth day of November, as enacts, " that all and every person and persons inhabiting within this realm of England and the dominions of the same shall always upon that day diligently and faithfully resort to the parish church or chapel accustomed, or to some usual church or chapel where the said morning prayer, preaching, or other service of God shall be used, and then and there to abide orderly and soberly during the time of the said prayers, preaching, or other service of God there to be used and ministered :*

3 Jac. 1, c. 4.

Also an act passed in the said third year of the said king *James's* reign, intituled *an act for the better discovering and repressing of popish recusants :*

7 Jac. 1, c. 6.

Also an act passed in the seventh year of the same king's reign, intituled *an act for administering the oath of allegiance, and reformation of married women recusants :*

Also so much of an act passed in the thirteenth and fourteenth years of the reign of king *Charles* the second, intituled *an act for the uniformity of public prayers, and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the church of England*, as makes any schoolmaster or other person instructing or teaching youth in any private house or family as a tutor or schoolmaster punishable for instructing or teaching any youth as a tutor or schoolmaster before licence obtained from his respective archbishop, bishop, or ordinary of the diocese, according to the laws and statutes of this realm, and before such subscription and acknowledgment made as in the said act is mentioned: 13 & 14 Car. 2
c. 4, sec. 11.

Also so much of the last mentioned act whereby any act or part of any act hereinbefore repealed has been confirmed or kept in force:

And also so much of any act or acts of parliament whereby the said parts of the said act of the thirteenth and fourteenth years of the reign of king *Charles* the second hereinbefore repealed have been confirmed or incorporated in any other act or acts of parliament:

Also so much of an act of the parliament of *Ireland* passed in the seventeenth and eighteenth years of the reign of the said king *Charles* as requires the schoolmasters or other persons instructing or teaching youth in private houses or families as tutors or schoolmasters should take the oath of allegiance and supremacy, and as makes such schoolmasters or other persons punishable for so instructing or teaching youth before licence obtained from their respective archbishop, bishop, or ordinary of the diocese, and before such subscription and acknowledgment made as in the said act is mentioned: 17 & 18 Car. 2,
c. 6, sec. 6,
(L.)

Also so much of an act passed in the thirtieth year of the reign of the said king *Charles*, intituled *an act for the more effectual preserving the king's person and government by disabling papists from sitting in either house of parliament*, as enacts that every person now or hereafter convicted of popish recusancy who hereafter shall, at any time after the said first day of *December*, come advisedly into or remain in the presence of the king's majesty or queen's majesty, or shall come into the court or house where they or any of them reside, as well during the reign of his present majesty (whose life God long preserve) as during the reigns of any of his royal successors, kings or queens of *England*, shall incur and suffer all the pains, penalties, forfeitures, and disabilities in this act mentioned or contained: 30 Car. 2,
stat. 2, sec. 5,
in part.

Also an act of the parliament of *Scotland* passed in the eighth and ninth session of the first parliament of king *William* the third, intituled *an act for preventing the growth of popery*, and all laws, statutes, and acts of parliament revived, ratified, and perpetually confirmed by the said act of king *William's* first parliament, except as to the form of the formula in such last mentioned act contained: 8 & 9 W. 3,
c. 3, (S.) and
all laws re-
vived, rati-
fied, and con-
firmed there-
by.

- 11 & 12 W. 3,
c. 4. Also an act passed in the eleventh and twelfth years of the reign of the said king *William* the third, intituled *an act for the further preventing the growth of popery* :
- 1 Anne, st. 1,
c. 30. Also an act passed in the first year of the reign of queen *Anne*, intituled *an act to oblige Jews to maintain and provide for their protestant children* :
- 2 Anne, c. 6,
sec. 1. (I.) Also so much of an act of the parliament of *Ireland* passed in the second year of the reign of the said queen *Anne*, intituled *an act to prevent the further growth of popery*, as enacts "that if any person or persons shall seduce, persuade, or pervert any person or persons professing or that shall profess the protestant religion to renounce, forsake, or abjure the same, and to profess the popish religion, or reconcile him or them to the church of *Rome*, then and in such case every such person and persons so seducing, as also every such protestant and protestants who shall be so seduced, perverted, and reconciled to popery, shall for the said offences, being thereof lawfully convicted, incur the danger and penalty of *premunire* mentioned in the statute of *premunire* made in *England* in the sixteenth year of the reign of king *Richard* the second :
- Sec. 3. Also so much of the said last mentioned act of queen *Anne* as empowers the court of chancery to make such order for the maintenance of protestant children not maintained by their popish parents, suitable to the degree and ability of such parents and to the age of such child, and also for the portions of protestant children to be paid at the decease of their popish parents, as that court shall adjudge fit, suitable to the degree and ability of such parents, and as empowers the said court to make such order for the educating in the protestant religion the children of papists, where either the father or mother of such children shall be protestants, till the age of eighteen years of such children, as to that court shall seem meet, and in order thereto to limit and appoint where, and in what manner, and by whom, such children shall be educated ; and as enacts that the father of such children shall pay the charges of such education as shall be directed by the said court :
- Sec. 4.
- 11 G. 2, c. 17. And an act passed in the eleventh year of the reign of king *George* the second, intituled *an act for securing the estates of papists conforming to the protestant religion against disabilities created by several acts of parliament relating to papists ; and for rendering more effectual the several acts of parliament made for vesting in the two universities in that part of Great Britain called England the presentation of benefices belonging to papists*, except so much of the said act as relates to any advowson, or right of presentation, collation, nomination, or donation of or to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or any grant or avoidance thereof, or any admission, institution, or induction to be made thereupon, but so as that the repeal of the said act shall not in anywise affect or prejudice the right, title, or interest of any person in or to any lands, tenements, or hereditaments under and by virtue of the provisions of the said act at the time of such repeal :

Also so much of an act of the parliament of *Ireland* passed in the seventeenth and eighteenth years of the reign of king *George* the third, intituled *an act for the relief of his majesty's subjects of this kingdom professing the popish religion*, as enacts, "that no maintenance or portion shall be granted to any child of a popish parent, upon a bill filed against such parent pursuant to the aforesaid act of the second of queen *Anne*, out of the personal property of such papist, except out of such leases which they may hereafter take under the powers granted in this act:"

17 & 18 G. 3,
c. 49, sec. 5.
(1.)

Also so much of an act passed in the eighteenth year of the reign of the said king *George* the third, intituled *an act for relieving his majesty's subjects professing the popish religion from certain penalties and disabilities imposed on them by an act made in the eleventh and twelfth years of the reign of king William the third, intituled an act for the further preventing the growth of popery*, as enacts "that nothing in this act contained shall extend or be construed to extend to any popish bishop, priest, jesuit, or schoolmaster who shall not have taken and subscribed the above oath in the above words before he shall have been apprehended, or any prosecution commenced against him:"

18 G. 3, c. 60,
sec. 5.

Also so much of an act of the parliament of *Ireland* passed in the twenty-third and twenty-fourth years of the reign of the said king *George* the third, intituled *an act for extending the provisions of an act passed in this kingdom in the nineteenth and twentieth years of his majesty's reign, intituled an act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others, as shall settle in this kingdom*, as excepts out of the benefit of that act persons professing the *Jewish* religion:

23 & 24 G. 3,
c. 38. (1.)

Also so much of an act passed in the thirty-first year of the reign of the said king *George* the third, intituled *an act to relieve, upon conditions and under restrictions, the persons therein described from certain penalties and disabilities to which papists or persons professing the popish religion are by law subject*, as enacts "that nothing herein contained shall be construed to give any ease, benefit, or advantage to any person who shall, by preaching, teaching, or writing, deny or gainsay the oath of allegiance, abjuration, and declaration hereinbefore mentioned and appointed to be taken as aforesaid, or the declarations or doctrines therein contained, or any of them:"

Sec. 12.

Also so much of the said last mentioned act as provides and enacts, "that no schoolmaster professing the *Roman* catholic religion shall receive into his school for education the child of any protestant father:"

Sec. 15.

Also so much of the said last mentioned act as provides and enacts, "that no person professing the *Roman* catholic religion shall be permitted to keep a school for the education of youth until his or her name and description as a *Roman* catholic schoolmaster or schoolmistress shall have been recorded at the quarter or general session of the peace for the county or other division or place where such school shall be situated, by the clerk of the peace of the said court, who is hereby required to

Sec. 16.

record such name and description accordingly upon demand by such person, and to give a certificate thereof to such person as shall at any time demand the same, and no person offending in the premises shall receive any benefit of this act :

33 G. 3, c. 21,
sec. 14, (I.)

Also so much of an act of the parliament of *Ireland* passed in the thirty-third year of the reign of the said king *George* the third, intituled *an act for the relief of his majesty's popish or Roman catholic subjects of Ireland*, as provides, that no papist or *Roman catholic*, or person professing the *Roman catholic* or *popish* religion, shall take any benefit by or under this act, unless he shall have first taken and subscribed the oath and declaration in this act contained and set forth, and also the said oath appointed by the said act passed in the thirteenth and fourteenth years of his majesty's reign, intituled *an act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him in some one of his majesty's four courts in Dublin, or at the general sessions of the peace, or at any adjournment thereof, to be holden for the county, city, or borough wherein such papist or Roman catholic, or person professing the Roman catholic or popish religion, doth inhabit or dwell, or before the going judge or judges of assize in the county wherein such papist or Roman catholic or person professing the Roman catholic or popish religion, doth inhabit and dwell, in open court :*

33 G. 3, c. 44.

Also an act passed in the said thirty-third year of the reign of the said king *George* the third, intituled *an act for requiring a certain form of oath of abjuration and declaration from his majesty's subjects professing the Roman catholic religion in that part of Great Britain called Scotland.*

Jews to be
subject to
the same
laws as pro-
testant dis-
senter in
respect to
schools and
places of
worship.
Not to affect
pending
suits.

II. And be it enacted, that from and after the commencement of this act her majesty's subjects professing the *Jewish* religion, in respect to their schools, places for religious worship, education, and charitable purposes, and the property held therewith, shall be subject to the same laws as her majesty's protestant subjects dissenting from the church of *England* are subject to, and not further or otherwise.

III. Provided, that nothing in this act contained shall affect any action or suit actually pending or commenced, or any property now in litigation, discussion, or dispute, in any of her majesty's courts of law or equity.

Disturbing
religious
assemblies.

IV. That from and after the commencement of this act all laws now in force against the wilfully and maliciously or contemptuously disquieting or disturbing any meeting, assembly, or congregation of persons assembled for religious worship, permitted or authorized by any former act or acts of parliament, or the disturbing, molesting, or misusing any preacher, teacher, or person officiating at such meeting, assembly, or congregation, or any person or persons there assembled, shall apply respectively to all meetings, assemblies, or congregations whatsoever of persons lawfully assembled for religious worship, and the preachers, teachers, or persons officiating at such last mentioned meetings, assemblies, or congregations, and the persons there assembled.

Act may be
amended, &c.

V. That this act may be repealed, altered, or varied at any time within this session of parliament.

UNION OF CHURCHES AND BENEFICES, ENGLAND.

37 HENRY 8, CAP. 21.—*The bill for the union of churches.*—Where in divers and sundry places within this realm of *England* there be many and sundry parsonages, the glebes, tithes and yearly revenues and profits whereof be not sufficient to find a priest or curate to serve or minister to the parishioners thereof; within a mile or less of the church of which poor parsonages there is in many places another church pertaining to another parish, standing as necessary and commodiously for the access of the parishioners of the other poor parish, as their own doth:

II. And forasmuch as the charges for the maintenance of such two churches and chapels, with all manner of reparations, ornaments and other accustomed duties pertaining to a church, be much greater than may be well raised or borne amongst such poor parishioners, and might and should be eased and remedied by the uniting and knitting of such two churches in one:

III. It may therefore please the king's royal majesty, with the assent of his lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that it may be enacted and established, that an union or consolidation of two churches in one, or of a church and chapel in one, the one of them not being above the yearly value of six pounds, as it is rated and valued at to the king's highness in his court of the first fruits and tenths, and not distant from the other above one mile, in any place or places within this realm of *England*, may be from henceforth had or made by the assent of the ordinary and ordinaries of the diocese where such churches and chapels stand, and by the assent of the incumbents of them, and of all such as have a just right, title and interest to the patronages of the same churches and chapels, being then of full age; and that all such unions and consolidations had or made of two churches in one, or of a church or chapel in one as is aforesaid, shall be good, sufficient, lawful, firm, stable and available in the law, to remain, endure and continue for ever united and knit in one, in such manner and form, as by writing or writings under the seals of such ordinaries, incumbents and patrons, it shall be declared and set forth.

Two churches not being above a mile distant, and one of them being not above the yearly value of six pounds may be united into one. Moor 661, pl. 904. Cro. El. 500. 1 Ld. Raym. 195. Vin. V. 21, 594.

IV. And be it further enacted by the authority aforesaid, that all unions and consolidations of all churches and chapels, which have heretofore been united or knit together in one by the assent of the ordinaries, incumbents, and true and lawful patrons in fee simple of them as is aforesaid, shall also remain and be from henceforth adjudged and deemed in the law to endure and continue for ever united and knit in one, without any dissolution, undoing, unknitting, or repeal of them, or any of them, by any manner of means or way.

A confirmation of all unions heretofore made.

V. Saving unto the king's majesty, his heirs and successors, all the tenths and first fruits of all such churches and chapels, as be

The king's tenths and first fruits reserved.

heretofore united or consolidated in one, or that hereafter shall be united and consolidated in one, according to the same, or such like rates and valuations, as the same churches and chapels, or any of them, now are rated or valued at to the king's said majesty, in his said highness' court of the first fruits and tenths.

Unions shall not be in corporate towns without consent of the magistrates thereof.
17 Car. 2, c. 3.

VI. Provided alway, that all unions and consolidations, and every of them, hereafter to be had or made of any church or chapel within any city or town corporate within this realm of *England*, without the assent of the mayor, sheriffs and commonalty of the city where such churches, church or chapel be or shall be, or without the assent of such bodies corporate of other towns corporate, where such churches, church or chapel be, or shall be, by the names of their corporations in writing under their common seal, shall be clearly void and of no force nor effect; any thing before expressed, or any ordinance, law, custom or statute to the contrary thereof in anywise notwithstanding.

The union avoided upon a competent living assured.

VII. Provided also, that where the inhabitants of any such poor parish, or the more part of them, within one year next after the union or consolidation of the same parish, by their writing sufficient in the law, shall assure the incumbent of the said parish for the yearly payment of so much money, as with the sum that the said parish is rated and valued at in the king's highness' said court of the first fruits and tenths, shall amount to the full sum of eight pounds sterling, to be levied and paid yearly by the said inhabitants to the said incumbent and his successors, that then all such unions or consolidations hereafter to be had or made of any such poor parish as is aforesaid, shall be void and of none effect; any thing statuted or ordained to the contrary hereof in anywise notwithstanding.

1 Eliz. c. 4.

VIII. Provided always, that this said proviso shall not extend to any union or consolidation of any church or chapel had or made before the making of this estatute; any thing in the said proviso mentioned to the contrary thereof notwithstanding.

27 H. 8, c. 21.
Further provided for by 4 & 5 W. & M. c. 12.

17 CHARLES 2, CAP. 3.—*An act for uniting churches in cities and towns coporate.*—Forasmuch as the settled provision for ministers in most cities and towns corporate within this realm is not sufficient for the maintenance of able ministers fit for such places, whereby mean and stipendary preachers are entertained, to serve the cures there; who wholly depending for their maintenance upon the good will and liking of their auditors, have been and are thereby under temptation of too much complying and suiting their doctrine and teaching to the humour rather than good of their auditors which hath been a great occasion of faction and schism, and of the contempt of the ministry: the lords and commons in parliament assembled, being deeply sensible of the ill consequence thereof, and piously desiring able ministers in such places, and a competent settled maintenance for them by the union of churches; which is also become necessary, by reason of the great ruin of many churches and parishes in the late ill times, and otherwise; do therefore most humbly beseech your most excellent majesty, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that in every city or town corporate and their

liberties within the kingdom of *England* and dominion of *Wales*, which have a mayor and aldermen, and particular justices of the peace by charter or commission, or bailiff or bailiffs, or other chief officer or officers, and other assistants, by like charter; and where two or more churches or chapels, or a church and a chapel, and the parishes thereunto belonging, do lie within the said corporation or liberties thereof, convenient to be united: in such cases the bishop of the diocese where such parish and parishes are, with the consent of the mayor, aldermen and justices of the peace, bailiff or bailiffs, or other chief officer or officers, or the major part of them, and of the patron or patrons of such church or churches, chapel or chapels, shall or may according to due form of law unite the said churches or chapels, or church and chapel, or any of them; and shall appoint at which church or chapel, churches or chapels, the said parishioners and inhabitants of the said parishes or places, to which the said churches or chapels or church and chapel do belong, shall usually meet for the worship of God, and which of the said churches or chapels or church or chapel shall be united and annexed unto the other, which shall be the church presentative, unto which all presentations shall thereafter be only made, and unto which the parishioners shall resort as their proper church; and after such order made, the said churches or chapels or church and chapel shall accordingly for ever stand united: and the parishioners, landholders and inhabitants of the said parishes and places belonging to such churches or chapels or church and chapel so united and annexed, shall as they or any of them become void, and from thenceforward, pay all such tithes and other duties as belong or did belong to the incumbent of any of the said churches or chapels or church and chapel so united and annexed, unto the incumbent of the said presentative church or chapel, unto which the said other churches or chapels or church or chapel shall be so united and annexed.

In what cities and towns, and how churches and chapels may be united. Vin. v. 21, 594, &c.

Mod. cases in law, 5, 6.

II. And it is hereby also enacted, that notwithstanding any such union to be made by virtue hereof, each of the parishes so united shall continue distinct, as to all rates, taxes, parochial rites, charges and duties, and all other privileges, liberties and respects whatsoever, other than what is hereinbefore mentioned and specified; and churchwardens shall be elected and appointed for each parish, as they were before such union made.

Parishes shall remain distinct notwithstanding such union of churches. Carthew 238.

III. And it is further enacted and provided, that where one or more of the said churches or chapels or church and chapel so united and annexed, shall be full at the time of making such union, that then the said union shall take effect for every such church or chapel, upon the first avoidance after such union made: and that the several patrons of the said churches and chapel so united, shall and may present by turns to that church only which shall remain and be presentative, from time to time, in such order, as the said bishop, with the consent of the said mayor, aldermen and justices of the peace, bailiff or bailiffs, or other chief officer or officers within such parishes, or the major part of them, and of the patron or patrons of such church or churches, chapel or chapels, shall determine and decree, for the preservation of their respective rights therein, respect being therein had to the difference of the values of the yearly main-

How and when such uniting shall take effect.

And how several patrons shall present. Dr. and Stud. 116, b.

tenance belonging to such churches or chapels or any of them; saving unto the king's majesty, his heirs and successors, all the tenths and first fruits of all such churches and chapels so to be united, according to the rates and valuations at which the said churches and chapels are rated, and valued in the office of first fruits and tenths, in his majesty's court of exchequer; and also reserving all procurations and pensions to all persons to whom they are now and have been formerly, or shall be hereafter, due and payable; any thing herein contained notwithstanding.

How unions must be registered.

IV. Provided always, that no union of parishes or places to be made by virtue of this act shall commence or be effectual in law, until it be registered in the register book of the bishop of the diocese, which the register is hereby required to do.

Parishes having £100 maintenance may not be united.

V. Provided always, that no union made by virtue hereof, shall be good and effectual, where the settled maintenance belonging to the parsons, vicars and incumbents of the church or chapel or churches or chapels so united, shall exceed the sum of one hundred pounds *per annum* clear and above all charges and reprises; unless the respective parishioners, or the major part of them, under their hands desire otherwise.

Incumbents of such united parishes must be graduates of the university.

VI. Provided always, and be it enacted, that every minister settled as aforesaid the incumbent of any church or chapel, or churches and chapels united according to this act, shall be the full and lawful incumbent thereof to all intents and purposes, so as such minister be a graduate in one of the universities of this kingdom.

Owners of impropriations may bestow and annex maintenance to the churches where they lie, without licence of mortmain.

VII. And be it further enacted by the authority aforesaid, that every owner or proprietor, owners or proprietors of any impropriation, tithes or portion of tithes, in any parish or chapelry within the kingdom of *England* or dominion of *Wales*, is, are and shall be, by virtue of this act, enabled and empowered to give or bestow, unite and annex the same, or any part thereof, unto the parsonage or vicarage of the said parish church or chapel where the same do lie or arise, or settle the same in trust for the benefit of the said parsonage or vicarage, or of the curate and curates there successively, where the parsonage is impropriate and no vicar endowed, according to his or their respective estates, without any licence of mortmain; any law or statute to the contrary notwithstanding.

Parsons and vicars not having settled means of £100 per annum, may purchase and annex lands or rents without licence of mortmain.

VIII. And be it further enacted, that if the settled maintenance of such parsonages, vicarages, churches and chapels so united, or of any other parsonage or vicarage with cure, in the kingdom of *England* or dominion of *Wales*, shall not amount to the full sum of one hundred pounds *per annum* clear and above all charges and reprises; that then it shall be lawful for the parson, vicar and incumbent of the same, and his successors, to take, receive and purchase to him and his successors, lands, tenements, rents, tithes or other hereditaments, without any licence of mortmain; any law or statute to the contrary notwithstanding.

22 CHARLES 2, CAP. 11, SECS. 62*—75.—*An additional act for the rebuilding of the city of London, uniting of parishes, and rebuilding of the cathedral and parochial churches within the said city.*

* For secs. 62, 64—67, see "CHURCH BUILDING, ENGLAND," vol. ii. p. 3.

LXIII. And that the fifty-one parishes so to be continued shall be as hereafter followeth, that is to say, Allhallows Lombard-street, Saint Bartholomew Exchange, Saint Bridget, alias Brides, Saint Bennets Fink, Saint Michaels Crooked-lane, Saint Christophers, Saint Dionis Back-church, Saint Dunstons in the East, Saint James Garlick-hithe, Saint Michael Cornhill, Saint Michael Bassishaw, Saint Margaret Loathbury, Saint Mary Aldermanbury, Saint Martin Ludgate, Saint Peters Cornhill, Saint Stephens Coleman-street and Saint Sepulchres, shall remain and continue as heretofore they were: and that the respective parish churches to each of the said parishes belonging shall be rebuilt and continued for the use of the said parishes, and that the several parishes hereafter mentioned shall be respectively united into one parish, in manner hereafter following, that is to say, the parishes of Allhallows Bread-street and Saint John Evangelist shall be united into one parish, and the church heretofore belonging to the said parish of Allhallows Bread-street shall be rebuilt, and shall be the parish church of the said parishes so united: the parishes of Allhallows the Great and Allhallows the Less shall be united into one parish, and the church heretofore belonging to the said parish of Allhallows the Great shall be the parish church of the said parishes so united: the parishes of Saint Albans Wood-street and Saint Olaves Silver-street shall be united into one parish, and the church heretofore belonging to the said parish of Saint Albans Wood-street shall be the parish church of the said parishes so united: the parishes of Saint Anne and Agnes and Saint John Zachary shall be united into one parish, and the church heretofore belonging to the said parish of Saint Anne and Agnes shall be the parish church of the said parishes so united: the parishes of Saint Austins and Saint Faiths shall be united into one parish, and the church heretofore belonging to the said parish of Saint Austins shall be the parish church of the said parishes so united: the parishes of Saint Andrew Wardrobe and Saint Anne Blackfriars shall be united into one parish, and the church heretofore belonging to the said parish of Saint Andrew Wardrobe shall be the parish church of the said parishes so united: the parishes of Saint Antholins and Saint John Baptist shall be united into one parish, and the church heretofore belonging to the said parish of Saint Antholins shall be the parish church of the said parishes so united: the parishes of Saint Bennet Grace-church and Saint Leonard Eastcheap shall be united into one parish, and the church heretofore belonging to the said parish of Saint Bennet Grace-church shall be the parish church of the said parishes so united: the parishes of Saint Bennet Pauls-wharf and Saint Peter Pauls-wharf shall be united into one parish, and the church heretofore belonging to the said parish of Saint Bennet Pauls-wharf shall be the parish church of the said parishes so united: the parishes of Christ-church and Saint Leonard Foster-lane shall be united into one parish, and the church heretofore belonging to the said parish of Christ-church shall be the parish church of the said parishes so united: the parishes of Saint Edmond the King and Saint Nicholas Acons shall be united into one parish, and the church heretofore belonging to the said parish of Saint Edmond the King shall be the parish church of the

The names
of the fifty-
one parishes.

Parishes
united and
joined, and
which shall
be parish
churches.

said parishes so united: the parishes of Saint George Botolph-lane and Saint Botolph Billingsgate shall be united into one parish, and the church heretofore belonging to the said parish of Saint George Botolph-lane shall be the parish church of the said parishes so united: the parishes of Saint Lawrence Jury and Saint Magdalens Milk-street shall be united into one parish, and the church heretofore belonging to the said parish of Saint Lawrence Jury shall be the parish church of the said parishes so united: the parishes of Saint Magnus and Saint Margaret New Fish-street shall be united into one parish, and the church heretofore belonging to the said parish of Saint Magnus shall be the parish church of the said parishes so united: the parishes of Saint Michael Royal and Saint Martins Vintry shall be united into one parish, and the church heretofore belonging to the said parish of Saint Michael Royal shall be the parish church of the said parishes so united: the parishes of Saint Matthew Friday-street and Saint Peters-cheap shall be united into one parish, and the church heretofore belonging to the said parish of Saint Matthew Friday-street shall be the parish church of the said parishes so united: the parishes of Saint Margaret Pattens and Saint Gabriel Fenchurch shall be united into one parish, and the church heretofore belonging to the said parish of Saint Margaret Pattens shall be the parish church of the said parishes so united: the parishes of Saint Mary Atthill and Saint Andrew Hubbord shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary Atthill shall be the parish church of the said parishes so united: the parishes of Saint Mary Wolnoth and Saint Mary Woolchurch shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary Wolnoth shall be the parish church of the said parishes so united: the parishes of Saint Clement Eastcheap and Saint Martins Orgars shall be united into one parish, and the church heretofore belonging to the said parish of Saint Clement Eastcheap shall be the parish church of the said parishes so united: the parishes of Saint Mary Abchurch and Saint Lawrence Pountney shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary Abchurch shall be the parish church of the said parishes so united: the parishes of Saint Mary Aldermary and Saint Thomas Apostles shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary Aldermary shall be the parish church of the said parishes so united: the parishes of St. Mary-le-bow, Saint Pancras Soaper-lane and Allhallows Honey-lane shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary-le-bow shall be the parish church of the said parishes so united: the parishes of Saint Mildreds Poultry and Saint Mary Cole-church shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mildreds Poultry shall be the parish church of the said parishes so united: the parishes of Saint Michael Wood-street and Saint Mary Staining shall be united into one parish, and the church heretofore belonging to the said parish of Saint Michael Wood-street shall be the parish church of the said parishes so united: the parishes of Saint Mildred Bread-street and Saint Mar-

garet Moses shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mildred Bread-street shall be the parish church of the parishes so united: the parishes of Saint Michael Queen-hith and Trinity shall be united into one parish, and the church heretofore belonging to the said parish of Saint Michael Queen-hith shall be the parish church of the said parishes so united: the parishes of Saint Mary Magdalens Old Fish-street and Saint Gregories shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary Magdalen Old Fish-street shall be the parish church of the said parishes so united: the parishes of Saint Mary Somerset and Saint Mary Munthaw shall be united into one parish, and the church heretofore belonging to the said parish of Saint Mary Somerset shall be the parish church of the said parishes so united: the parishes of Saint Nicholas Cole-Abby, and Saint Nicholas Olaves shall be united into one parish, and the church heretofore belonging to the said parish of Saint Nicholas Cole-Abby shall be the parish church of the said parishes so united: the parishes of Saint Olaves Jury and Saint Martins Pomroy, alias Ironmonger-lane, shall be united into one parish, and the church heretofore belonging to the said parish of Saint Olaves Jury shall be the parish church of the said parishes so united: the parishes of Saint Stephen Walbrook and Saint Bennet Sherhog shall be united into one parish, and the church heretofore belonging to the said parish of Saint Stephen Walbrook shall be the parish church of the said parishes so united: the parishes of Saint Swithin and Saint Mary Bothaw shall be united into one parish, and the church heretofore belonging to the said parish of Saint Swithin shall be the parish church of the said parishes so united: the parishes of Saint Vedast alias Saint Fosters and Saint Michael Quern shall be united into one parish, and the church heretofore belonging to the said parish of Saint Vedast alias Saint Fosters shall be the parish church of the said parishes so united.

LXVIII. Provided always, and it is hereby enacted and declared, that notwithstanding such union as aforesaid, each and every of the parishes so united, as to all rates, taxes, parochial rights, charges and duties, and all other privileges, liberties and respects whatsoever, other than what are hereinbefore mentioned and specified, shall continue and remain distinct, and as heretofore they were, before the making of this present act: and that the several and respective patrons of the said churches so united shall and may present by turns to that church only which by this act is appointed to be rebuilt and established for the parish church of the parishes so united as aforesaid: the first presentment to be made by the patron of such of the said churches, the endowments whereof are of the greatest yearly value.

LXIX. Provided always, and it is hereby declared, that this act, or any thing therein contained, shall not extend or be construed to deprive the present incumbents, which at the time of the said late fire were or now are in possession of any of the said parish churches not to be rebuilt, or any of them, of the tithes or other profits heretofore belonging to their respective churches, so long as they shall assist in serving the cure, and other offices belonging to

Notwithstanding the union, the parishes as to all rates charges and privileges, to remain distinct.

Proviso for the present incumbents of churches not to be rebuilt.

their duty in the parish church whereunto their respective parishes shall be united and annexed by virtue of this act, according to the direction of the ordinary ; any thing in this present act contained to the contrary notwithstanding : saving to the king's majesty, his heirs and successors, the tenths and first fruits of all such parish churches as by force of this present act shall be united and consolidated as aforesaid, according to such rates and valuations as the same do respectively stand rated and valued at, in his majesty's court of first fruits and tenths ; any thing in this present act notwithstanding : saving also to all other person and persons, bodies politic and corporate, ecclesiastical and civil, their heirs and successors, all pensions, annuities and payments whatsoever, heretofore due from and payable by any of the rectors, vicars and curates of any of the said churches united or consolidated as aforesaid ; any thing in this present act notwithstanding.

LXX. Provided always, that it shall and may be lawful to and for the warden and minor canons of *Saint Paul's church, London*, parson and proprietors of the rectory of the parish of *Saint Gregories* aforesaid, to receive and enjoy all tithes, oblations and duties arising or growing due within the said parish, in as large and beneficial manner as formerly they have or lawfully might have done ; any thing herein to the contrary notwithstanding.

Saint Mary
Cole-church.

A free school.

LXXI. And whereas the wardens and commonalty of the mystery of the mercers of the city of *London*, at the time of the said fire, were seized in fee of the rectory and parish church impropriate of *St. Mary Cole-church*, (the said church being an upper room about ten foot higher than the street, and lying over certain rooms and arched vaults or cellars of the said wardens and commonalty) upon the site of which church they have designed to build a free school, and other buildings conformable to the rules of the said former act, and to remove the dead bodies and bones of such as have been buried upon the arches, and to cause them to be decently reposed within the body of their chapel, commonly called *Mercers Chapel* ; be it therefore hereby enacted, that the site of the said parish church, and the materials thereof remaining upon the said site, be and are hereby settled upon the said wardens and commonalty, and their successors for ever : and that the said wardens and commonalty shall pay to the lord mayor and aldermen of the city of *London* for the same, such sum of money towards the rebuilding of the church whereunto the same is by this act appointed to be united, as shall be agreed upon between the said lord mayor and aldermen, and the said wardens and commonalty, or be assessed by a jury impannelled and sworn, as by the said former act is directed in any other case ; any thing in this act to the contrary notwithstanding.

Provision
that parsons
may not be
sued for di-
lapidations.

LXXII. And whereas several parish churches, chancels, parsonage and vicarage houses were consumed in the late dismal fire ; to the end therefore the incumbents, parsons and vicars may not be liable to the rebuilding of their chancels, parsonage and vicarage houses, nor to be sued for dilapidations ; be it enacted by the authority aforesaid, that the incumbents, parsons and vicars of the aforesaid churches, their executors and administrators, shall be and are hereby indemnified, as to the rebuilding of their respective chancels,

parsonage and vicarage houses, and shall not be liable to any suits, troubles or molestations that may arise for dilapidations aforesaid; and that no process shall be issued out of any court whatsoever against the persons aforesaid, for their not rebuilding their respective chancels and parsonage and vicarage houses; any law or statute to the contrary in anywise notwithstanding.

LXXIII. And whereas first fruits, tenths, and several pensions are from the said parsons and vicars to be yearly paid to his majesty, and several duties to the ordinary and archdeacon, that his majesty will be graciously pleased, that it may be enacted; and be it further enacted by the authority aforesaid, that the said parsons and vicars be indemnified, and are hereby indemnified, from the payment of all first fruits, tenths and pensions due and which shall be due to his majesty, and from all dues to the ordinary and archdeacon, and all other dues whatsoever chargeable upon them respectively, until such time as they shall receive the profits arising from the same as formerly: and that no process shall be issued out of any court whatsoever against the persons aforesaid, for their nonpayment of first fruits, tenths, pensions or any other the dues aforesaid; any law or statute to the contrary in anywise notwithstanding.

Parsons and vicars exempted from first fruits, tenths and pensions.

LXXIV. And whereas divers ministers have been already since the fire, and may be from time to time presented and instituted, and being so are liable to the forfeitures of their several livings for not reading the thirty-nine articles, and for not doing other things enjoined by law in their several parish churches; be it enacted by the authority aforesaid, that all such ministers as have been or shall be from time to time presented and instituted since the said fire, be and are hereby indemnified from the several penalties and forfeitures incurred and to be incurred by or for not reading of the thirty-nine articles, or not doing other things enjoined by law as aforesaid, until such time as the said several churches be re-edified or made fit for public worship.

Indemnified for not reading the thirty-nine articles.

LXXV. And whereas the said parsons and vicars, or some of them, are interested in several glebe lands or grounds, the which they cannot rebuild themselves, nor let such lease or leases as may be an encouragement for others to rebuild the same; be it enacted by the authority aforesaid, that the said parsons and vicars and every of them respectively, be empowered and are hereby empowered to let such lease or leases of their said glebe lands or grounds, with the consent and approbation of the patron or patrons and ordinary, for any term not exceeding forty years, and at such yearly rents without fine, as can be obtained for the same; and that no lapses incurred upon any non-presentation in due time of any of the patrons of the said livings since the said fire shall any ways prejudice or make void the presentations that the said patrons have since made, whereupon any incumbent is since instituted and inducted; any law or statute to the contrary in anywise notwithstanding.

Empowered to let leases of their glebe lands.

4 WILLIAM & MARY, CAP. 12.—*An act to make parishioners of the church united contributors to the repairs and ornaments of the church to whom the union is made.*—Whereas by an act of parliament made in the seventeenth year of the reign of king *Charles* the second of blessed memory, provision was made for the uniting churches in

17 Car. 2, c. 3.

37 H. 8, c. 21.

If two churches be united, and one of them down, the parishioners of that church shall pay toward the repairs, &c. of the other.
 Vin. V. 21, 594.

cities and towns corporate: and forasmuch as it is highly reasonable that parishioners of parishes whose churches are demolished, and either before or afterwards united to other churches, should be contributors towards the repairs and other parochial charges of such other church, to which by virtue of the said act they are united:

II. Therefore be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where any churches heretofore have been, or hereafter shall be, united by virtue of the said act, and one of the said churches so united was, at the time of such union, or shall afterwards be demolished, that in all such cases, as often as the church which was or shall be made the church representative, and to which the union was or shall be made, shall be out of repair, or there shall be need of decent ornaments for the performance of divine service therein, that the parishioners of the parish, whose church shall then be down or demolished, shall bear and pay, towards the charges of such repairs and decent ornaments, such share and proportion as the archbishop or bishop that shall make such union shall by the same union direct and appoint; and for want of such direction and appointment, then one-third part of such charges of the repairs and decent ornaments, which shall be made or provided; and the same shall be rated, taxed, and levied, and in default thereof such process and proceedings shall be had and made against him or them, as if it were for the reparation and finding decent ornaments for their own parish church, if no such union had been made; any law, custom, usage, or opinion, to the contrary heretofore notwithstanding.

SPACE LEFT

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

UNION OF BENEFICES, IRELAND.

5 GEORGE 4, CAP. 80.—*An act for disappropriating, disuniting and divesting from and out of the chancellors, archdeacons and precentors of the diocese of Connor in the county of Antrim, in Ireland, (after the decease or removal of the present incumbents) certain rectories and the rectorial tithes thereof, parts of the corps of the said respective dignities; and for annexing and uniting the said respective rectories when so disappropriated, and the rectorial tithes thereof, to the respective vicarages of the said several rectories, whereby the incumbent of each parish and rectory shall have the actual cure of souls, and for other purposes.*—

Whereas the corps of the chancellorship of the cathedral church of Connor, in the diocese of Connor, consists of the rectories of Milltown otherwise Ballywellen, Saint Johnstown otherwise Siginstown otherwise Ballyrashane, Calfeightron otherwise Cufaghtrin, Ramoan, Loughgale otherwise Loughgeel, and Teckmacrevan otherwise Glenarm, all situate, lying and being in the county of Antrim, and to the said chancellorship perpetually annexed and appropriated; and that the chancellors for the time being have received the rectorial tithes of the said parishes and rectories, the present income whereof taken together, as leased by the reverend William Trail D. D. the present chancellor of the said diocese of Connor, during his incumbency, is eight hundred and fifty pounds *per* year or thereabouts, but which are of considerable greater annual value, as hereinafter is mentioned: and whereas the corps of the archdeaconry of the said diocese of Connor consists of the rectories of Billy, Ballyclug, Armoy, Donegore and Kilbride, all situate, lying and being in the said county of Antrim, to the said archdeaconry perpetually annexed and appropriated; and that the archdeacons of Connor for the time being have received the rectorial tithes of the said last mentioned parishes or rectories, the present income whereof, taken together, as received by the reverend Anthony Trail D. D. the present archdeacon of the said diocese of Connor, during his incumbency, is six hundred pounds *per* year or thereabouts, but which are of considerably greater annual value, as hereinafter is also mentioned: and whereas the corps of the precentorship of the cathedral church of the diocese of Connor consists of the rectories of Ballymoney and Dunluce, both in the said county of Antrim, thereto perpetually annexed and appropriated; and that the reverend Richard Symes clerk, the present precentor of the said cathedral church of Connor, and his predecessors, precentors, have uniformly received the tithes, great and small, of the said parish of Ballymoney, and the rectorial tithes of the said parish or rectory of Dunluce; the present income whereof, taken together, as received by the said Richard Symes, the present precentor, is eight hundred pounds yearly or thereabouts, but which are of greater annual value, as hereinafter is mentioned: and whereas each of the said several and respective rectories or parishes so appropriated as aforesaid to the chancellor, archdeacon and precentor of the said diocese of

Corps of which the chancellorship of the cathedral church of Connor consists.

Corps of the archdeaconry.

Corps of the precentorship.

Connor respectively, save the said parish of *Ballymoney*, have within them vicarages endowed, and the chancellor and archdeacon have not either of them the actual cure of souls within the said parishes or rectories so appropriated to their dignities, or any of them, except in the parish of *Ballymoney*, the actual cure being in the respective vicars; but the precentor has the actual cure of souls in the said parish of *Ballymoney*, the same being an entire rectory: and whereas the vicarial tithes of the before named several and respective parishes, in which it is hereinbefore stated that there are vicarages endowed, belong to and are received by their respective vicars; but several of the same vicarages being of inconsiderable yearly value, the predecessors of the right reverend *Richard Mant* doctor in divinity, the present lord bishop of *Down* and *Connor*, in order to provide for the suitable maintenance of the vicars having the actual cure of souls, have been under the necessity from time to time of forming episcopal unions of some of those vicarages; and accordingly the vicarages of *Milltown* otherwise *Ballywellan*, and of *Saint Johnstown* otherwise *Siginstown* otherwise *Ballyrashane*, are at present so united under one incumbent, who receives the vicarial tithes of such union, the present value whereof is less than one hundred pounds a year; and the vicarages of *Calfeightron* otherwise *Cufaghtrin* and *Ramoan*, are in like manner united under one incumbent, who receives the vicarial tithes of the union, the present value whereof is seventy-five pounds *per* year or thereabouts; and the vicarages of *Loughgule* otherwise *Loughgeel* and *Armoy*, are in like manner united under one incumbent, who receives the vicarial tithes of such union, the present value whereof is one hundred and fifty pounds a year or thereabouts, but the said vicarage of *Loughgule* is of very inconsiderable value, and the vicarage of *Teckmacrevan* otherwise *Glenarm*, being of very small value, it was found necessary to unite it episcopally with another vicarage in the said diocese called *Templeoughter*, and the same are now united under one incumbent; and the said last mentioned union, although augmented from primate *Boulter's* fund does not amount in present value to more than one hundred pounds a year; and the vicarial tithes of the aforesaid parish of *Billy* are of the present annual value of two hundred pounds or thereabouts; and the said vicarage of *Ballyclug*, the vicarial tithes whereof do not exceed in value twenty-two pounds yearly, has been and is episcopally united to the impropriate curacy of *Ballynnena* in the said county of *Antrim*, under one incumbent, the yearly value of which last mentioned union, including an augmentation from primate *Boulter's* fund, does not now exceed eighty four pounds yearly; and the vicarages of the said parishes of *Donegore* and *Kilbride* are episcopally united under one incumbent, and the value of the said last mentioned union does not exceed three hundred pounds a year; and the annual value of the vicarage of the said parish of *Dunluce* is one hundred pounds or thereabouts; and the annual value of the said several and respective rectories of *Milltown* otherwise *Ballywellan*, *Saint Johnstown* otherwise *Siginstown* otherwise *Ballyrashane*, *Calfeightron*, *Loughgule*, *Ramoan*, *Teckmacrevan* otherwise *Glenarm*, *Armoy*, *Billy*, *Ballyclug*, *Donegore*, *Kilbride*, *Ballymoney*, and *Dunluce*, are as follows; that is to say, *Milltown* otherwise *Ballywellan*,

three hundred pounds or thereabouts; *Saint Johnstown* otherwise *Siginstown* otherwise *Ballyrashane*, three hundred and fifty pounds or thereabouts; *Calfeightron*, four hundred pounds or thereabouts; *Loughgule*, four hundred pounds or thereabouts; *Ramoan*, four hundred pounds or thereabouts; *Teckmacrevan*, otherwise *Glenarm*, from seventy pounds to one hundred pounds or thereabouts; *Armoy*, one hundred and sixty pounds or thereabouts; *Billy*, three hundred and thirty pounds or thereabouts; *Ballyclug*, one hundred pounds or thereabouts; *Donegore*, two hundred and fifty pounds or thereabouts; *Kilbride*, two hundred and fifty pounds or thereabouts; *Ballymoney*, one thousand two hundred pounds or thereabouts; and *Dunluce*, two hundred pounds or thereabouts; and whereas the lord Patron. bishop of *Down* and *Connor* for the time being is the patron, not only of the aforesaid chancellorship, archdeaconry and precentorship, but of all and every the vicarages hereinbefore mentioned: and Expedient that the rectorial tithes should be vested in the vicars. whereas it will be highly beneficial to the church establishment of that part of the united kingdom called *Ireland*, that the rectorial tithes of all the said several and respective parishes or rectories, so as aforesaid appropriated to the chancellorship of the said cathedral church of *Connor*, save and except the said rectory or parish of *Ramoan*, shall be vested in the respective vicars of the said parishes (save as aforesaid) from and after the death or removal of the said *William Trail*, the present chancellor; and for that purpose, that the said last mentioned rectories and rectorial tithes, save as aforesaid, shall be disappropriated, disunited and divested from and out of the chancellors of the said cathedral church, and annexed and united to the vicarages of the said respective last mentioned to be disappropriated parishes or rectories, from and after the death or removal of the said *William Trail*, the present chancellor; and that in like manner the rectorial tithes of all and singular the said parishes or rectories so as aforesaid appropriate and belonging to the said archdeaconry (save and except the said parish of *Billy*) shall be vested in the respective vicars of and within the said respective last mentioned parishes (except as aforesaid), from and after the death or removal of the said *Anthony Trail*, the present archdeacon of the said diocese; and for that purpose that all the said rectories and rectorial tithes, so as aforesaid appropriated and belonging to the said archdeaconry (save the said parish of *Billy*), shall be disappropriated, disunited and divested from and out of the archdeacons of the said diocese of *Connor*, and for ever annexed and united to the vicarages of and within the said last mentioned to be disappropriated parishes or rectories, from and after the death or removal of the said *Anthony Trail*, the present archdeacon; and that the said vicarage of *Ramoan* shall be reunited to the rectory of the same parish, and so appropriated to the said chancellorship, and that the vicarage of *Billy* shall be reunited to the rectory of the same parish of *Billy*, and be so appropriated to the said archdeaconry; thus vesting in the chancellors and archdeacons respectively the actual cure of souls, from and after death or removal of the present vicars of *Ramoan* and *Billy* respectively; and that each of the said several and respective rectories, when so disappropriated, shall, with its respective vicarage, form one parish and benefice:

Also expedient that the rectory of Dunluce should be disappropriated from the precentorship.

Rectory of Milltown to become vested in vicar.

Rectory of St. Johnstown to become vested in the vicar, &c.

and whereas it will also be highly beneficial to the said church establishment, that the said rectory of *Dunluce* shall be disappropriated and disunited from the said precentorship; and that from and after the death or removal of the said *Richard Symes*, the present precentor, the said rectory and rectorial tithes of *Dunluce* shall be united and annexed to the vicarage of *Dunluce*, and be vested in the vicars of *Dunluce*, so as that the rectory and vicarage of *Dunluce* shall together form one parish and benefice with cure of souls; leaving as the corps of the said precentorship the rectory or parish of *Ballymoney* only: and whereas the said *Richard Mant*, lord bishop of *Down* and *Connor*, the patron of the said chancellorship, archdeaconry and precentorship of the diocese of *Connor*, and of all and every the vicarages hereinbefore mentioned, has consented that the before mentioned objects shall be carried into effect; but the same cannot be attained or effected without the aid and authority of parliament: may it therefore please your majesty, upon the petition of the right reverend *Richard Mant*, patron, and the humble petition of the reverend *William Trail*, chancellor, the reverend *Anthony Trail*, archdeacon, the reverend *Richard Symes*, precentor, and the several persons therein named, vicars of the said several parishes hereinbefore mentioned, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the rectory and rectorial tithes of the said parish of *Milltown* otherwise *Ballywellan*, so as aforesaid appropriated to the chancellor of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *William Trail*, the present chancellor, be and for ever afterwards shall remain vested in the vicar of the said parish of *Milltown* otherwise *Ballywellan*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall from such the death or removal of the said *William Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the chancellorship of the said cathedral church of *Connor*, and annexed and united to the vicarage of the said parish of *Milltown* otherwise *Ballywellan*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

II. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Saint Johnstown* otherwise *Siginstown* otherwise *Ballyrashane*, so as aforesaid appropriated to the chancellor of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *William Trail*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Saint Johnstown* otherwise *Siginstown* otherwise *Ballyrashane*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *William Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the chancellorship of the said cathedral church of *Connor*, and annexed and united to the vicarage of the said parish of *Saint Johnstown* otherwise *Siginstown* otherwise *Ballyrashane*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

III. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Calfeightron* otherwise *Cufaghtrin*, so as aforesaid appropriated to the chancellor of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *William Trail*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Calfeightron**; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *William Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the chancellorship of the said cathedral church of *Connor*, and annexed and united to the vicarage of the said parish of *Calfeightron*, otherwise *Cufaghtrin*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

Rectory of
Calfeightron
to become
vested in
vicar, &c.

* Sic.

IV. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Loughgule* otherwise *Loughgeel*, so as aforesaid appropriated to the chancellor of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *William Trail*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Loughgule* otherwise *Loughgeel*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *William Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the chancellorship of the said cathedral church of *Connor*, and annexed and united to the vicarage of the said parish of *Loughgule* otherwise *Loughgeel*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

Rectory of
Loughgule
to become
vested in
vicar.

V. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Teckmacrean* otherwise *Glenarm*, so as aforesaid appropriated to the chancellor of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *William Trail*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Teckmacrean* otherwise *Glenarm*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *William Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the chancellorship of the said cathedral church of *Connor*, and annexed and united to the vicarage of the said parish of *Teckmacrean* otherwise *Glenarm*; and that the said last mentioned rectory when so disappropriated, shall with its vicarage form one parish and benefice.

Rectory of
Teckmacrean
to be-
come vested
in vicar.

VI. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Ballyclug*, so as aforesaid appropriated to the archdeacon of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *Anthony Trail*, the present archdeacon of *Connor*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Ballyclug*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *Anthony Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the archdeacons of the said diocese of *Connor*, and annexed and united to the vicarage of the said parish of *Ballyclug*; and

Rectory of
Ballyclug to
become vest-
ed in vicar.

that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

Rectory of
Armoy to be-
come vested
in vicar.

VII. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Armoy*, so as aforesaid appropriated to the archdeacon of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *Anthony Trail*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Armoy*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *Anthony Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the archdeacons of the said diocese of *Connor*, and annexed and united to the said parish of *Armoy*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

Rectory of
Donegore to
become vest-
ed in vicar.

VIII. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Donegore*, so as aforesaid appropriated to the archdeacon of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *Anthony Trail*, be and for ever afterwards shall remain vested in the vicar of the said parish of *Donegore*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *Anthony Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the archdeacons of the said diocese of *Connor*, and annexed and united to the vicarage of the said parish of *Donegore*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

Rectory of
Kilbride to
become vest-
ed in vicar.

IX. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Kilbride*, so as aforesaid appropriated to the archdeacon of the said diocese of *Connor*, shall, from and immediately after the death or removal of the said *Anthony Trail*, be and for ever after shall remain vested in the vicar of the said parish of *Kilbride*; and that the said last mentioned rectory, and the rectorial tithes thereof, shall, from such the death or removal of the said *Anthony Trail*, and for ever afterwards, be disappropriated, disunited and divested from and out of the archdeacons of the said diocese of *Connor*, and annexed and united to the vicarage of the said parish of *Kilbride*; and that the said last mentioned rectory, when so disappropriated, shall with its vicarage form one parish and benefice.

Vicarage of
Ramoan to
be reunited
to the rectory

X. And be it further enacted, that from and immediately after the decease or removal of the present incumbent of the said vicarage of *Ramoan* in the said county of *Antrim*, the said vicarage shall be and shall for ever thereafter continue reunited to the rectory of the said parish of *Ramoan*, and be from thenceforward appropriated to the chancellor of the said cathedral church for the time being, who shall for ever thereafter be vested with the actual cure of souls.

Vicarage of
Billy to be
reunited to
the rectory.

XI. And be it further enacted, that from and immediately after the death or removal of the present incumbent of the said vicarage of *Billy* in the said county of *Antrim*, the said vicarage shall be and for ever thereafter continue reunited to the rectory of the said parish of *Billy*, and be from thenceforward appropriated to the archdeacon of the said diocese of *Connor* for the time being, who shall for ever thereafter be vested with the actual cure of souls.

XII. And be it further enacted, that the rectory and rectorial tithes of the said parish of *Dunluce* in the said county of *Antrim*, so as aforesaid appropriated to the precentor of the said cathedral church of the said diocese of *Connor*, shall from and immediately after the death or removal of the said *Richard Symes*, the present precentor of the said cathedral church of *Connor*, be and for ever afterwards shall be vested in the vicar of the said parish of *Dunluce*; and that the said last mentioned rectory, and rectorial tithes thereof, shall, from such the death or removal of the said *Richard Symes*, and for ever afterwards, be disappropriated, disunited and divested from and out of the precentors of the said cathedral church of *Connor*, and annexed and united to the vicarage of the said parish of *Dunluce*; and that the said last mentioned rectory when so disappropriated, shall with its vicarage form one parish or benefice with cure of souls; and that from thenceforth the said rectory, and the rectorial tithes of the said parish of *Ballymoney* in the said county of *Antrim*, shall be, remain, and for ever continue the corps of the precentor of the said cathedral church of *Connor*.

Rectory of
Dunluce to
become vest-
ed in the
vicar.

XIII. Saving and reserving always to the king's most excellent majesty, and to all and every other person or persons, bodies politic and corporate, his, her and their executors and successors, (other than the said *Richard Mant* lord bishop of *Down* and *Connor*, the patron of the said chancellorship, archdeaconry and precentorship, and of all and every the said vicarages hereinbefore mentioned consenting hereto, and every future bishop of the said diocese, and every future chancellor of the said diocese, and every future archdeacon of the said diocese, and every future precentor of the said cathedral church, and every future rector and vicar of the said several parishes), all such estates, titles, rights, interests, claims and demands of, in, to or out of all or any of the said chancellorship, archdeaconry, precentorship, rectories and vicarages as they, every or any of them had before the passing of this act, or could, should or might have had, enjoyed, claimed or demanded in case this act had not been made.

Saving
clause.

XIV. And whereas by an act made in the parliament of *Ireland*, 2 G. 1. (I.) in the second year of the reign of king *George* the first, intituled *an act for the real union and divisions of parishes*, it is among other things enacted, that all acts of parliament for the uniting or disuniting of particular parishes or parts of parishes, or erecting particular churches, shall be deemed as public and general acts, in all courts and by all persons, and that no fees shall be paid or taken by any person or persons for passing any such act of parliament: and whereas it is expedient that a like provision should be made in this case; be it therefore enacted, that this present act is and shall be deemed a public and general act, and shall be judicially taken notice of as such in all courts, and by all judges, justices and others, without being specially pleaded; and that no fees shall be paid or taken by any person or persons for the passing the same.

This act a
public act.

5 GEORGE 4, CAP. 81.—*An act for separating the parish or vicarage of Bray from the parish of Kilternan, and for uniting the said parish of Kilternan with the parish of Kilgobban, situate in the barony of Rathdown and county of Dublin, in Ireland.*—Whereas the parish of

Union of the
parishes of
Kilternan
and Kilgob-
ban desired
by the in-
habitants,
with a new
church.

Kilternan, in the county and diocese of *Dublin*, has been episcopally united to and forms a part of the parish or union of *Bray* in the county of *Wicklow*, and is situated at a considerable and inconvenient distance, the nearest part being four miles, and other parts six miles, from the parish church of *Bray*, the only church of the said union; and it is therefore expedient that the said parish should be separated and disunited from the parish or vicarage of *Bray*: and whereas the said parish of *Kilternan* adjoins to the parish of *Kilgobban*, in the county and diocese of *Dublin*, and the glebe lands and glebe house of the perpetual curate or minister of the said parish of *Kilgobban* are situated within the bounds and limits of the said parish of *Kilternan*: and whereas there is not any church in the said parish of *Kilternan*, and the church of the said parish of *Kilgobban* is small and inconvenient, and much out of repair, and wholly incapable of accommodating the protestant inhabitants of the parish of *Kilgobban*, and cannot be enlarged or repaired by reason of the decay of its walls, and of its local situation; and the inhabitants of the said parish of *Kilgobban*, comprehending a poor and mountainous district, are unable to contribute to the rebuilding of the said church of *Kilgobban*; and whereas the respective inhabitants of the said parishes of *Kilternan* and *Kilgobban*, with the consent and approbation of his grace the now lord archbishop of *Dublin* and bishop of *Glandelough*, the patron of the said parish or vicarage of *Kilternan*; the honourable and reverend *Charles Knox*, the incumbent of the said parish or union of *Bray*; the reverend *Henry Kearney*, perpetual curate of the said parish or cure of *Kilgobban*; and the venerable *John Torrens*, the archdeacon of *Dublin*, who is entitled in right of his archdeaconry to nominate the perpetual curate of the said parish of *Kilgobban*, are desirous that the said parishes of *Kilternan* and *Kilgobban* should be united and made one entire parish, to be called "the parish of *Kilternan*;" and that a new church shall be forthwith erected and built on the glebe lands aforesaid, convenient to, and capable of accommodating the inhabitants of the said parishes of *Kilternan* and *Kilgobban*; the said *Henry Kearney*, the present curate of *Kilgobban*, and the said archdeacon of *Dublin*, first conveying a sufficient quantity of the said glebe land for the site of a church and churchyard to the churchwardens of the said parish to be called the parish of *Kilternan*, and their successors, churchwardens for ever, of the said parish, for the use of the said parish: and whereas the trustees and commisioners of the first fruits of the several benefices in *Ireland* have lately granted the sum of nine hundred pounds for building a church in the said parish of *Kilternan*, wherein there has not been any church for the performance of divine worship for upwards of twenty years last past: and whereas *Elizabeth Anderson* and *Susan Anderson*, spinsters, have proposed and agreed to grant and convey to the vicar or incumbent of the said parish, to be called "the parish of *Kilternan*," for ever, for the use of the said vicar or incumbent and his successor, other ground equal in quality and quantity to that which may be so assigned and allowed for the site of the said intended new church: and whereas by reason that the said parish or curacy of *Kilgobban* is not a representative benefice, the perpetual union of the said last mentioned

parish or cure, with the said vicarage or parish of *Kilternan*, cannot be effected without the aid and authority of parliament: for that purpose be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and immediately after the first day of *July* next, the said parish of *Kilternan* shall be for ever separated and disunited from the said parish or union or vicarage* of *Bray*, and that the said two parishes of *Kilternan* and *Kilgobban* shall be for ever thereafter united and be and become one entire parish or vicarage and presentative benefice, to be called "the parish of *Kilternan*;" and that the reverend *Henry Kearney*, the present curate or incumbent of the said parish of *Kilgobban*, shall be the first and modern incumbent or vicar of the said hereby created union or parish of *Kilternan*, without any presentation, admission, institution or induction, or any other act or title whatsoever other than this present act; and that the present churchwardens of the said parish of *Kilgobban* shall be the first churchwardens of the said hereby created union or parish of *Kilternan*, as fully as if they had been duly elected as such by the inhabitants of the said united parishes in vestry duly assembled.

Parish of
Kilternan
disunited
from *Bray*,
and united
with *Kil-*
gobban.

* Sic.

Present in-
cumbent and
churchwar-
dens of *Kil-*
gobban to
remain.

II. And be it further enacted, that it shall and may be lawful for the archdeacon of *Dublin*, and the said present curate or incumbent of the now parish of *Kilgobban*, to convey without licence or mortmain, to the churchwardens of the said hereby created union or parish of *Kilternan*, and to their successors for ever, such part of the glebe land now belonging to the said parish of *Kilgobban* as may be necessary for the site of a church and of a churchyard, for the said hereby created union or parish of *Kilternan*, not exceeding in the whole one-half acre of ground; and the same, when so conveyed, shall be vested in the said churchwardens and their successors for ever, for the purposes of this act.

Archdeacon
of *Dublin*
and incum-
bent of *Kil-*
gobban em-
powered to
convey a
piece of glebe

III. Provided always, that the said *Elizabeth Anderson* and *Susan Anderson*, their heirs and assigns, shall first grant and convey to the said vicar or incumbent of the said hereby created union or parish of *Kilternan* and his successors, a piece of land adjoining to the said glebe lands equal in quantity to the piece of land so as aforesaid to be allocated for the site of the said intended church or churchyard, for the use of the incumbent, from time to time for the time being, of the said hereby created union or parish of *Kilternan*, and his successors for ever; and it shall be lawful for the vicar or incumbent of the said parish of *Kilternan* and his successors, to have and to hold the said piece of land so to be granted and conveyed, any statute of mortmain, or any law, usage, or custom to the contrary notwithstanding, freed and discharged from the payment of all rent whatsoever, save and except that such land so granted and conveyed shall be held, and deemed and taken as a part and parcel of all such glebe lands as aforesaid, and shall in common therewith be liable and subject to all and every such rent, covenants, and clauses, as such glebe lands are now liable and subject to, as if the same had been originally a part of such glebe lands, and not further or otherwise.

Provided a
like quantity
is added to
the glebe by
the proprie-
tor of the
estate from
which form-
er glebe was
taken.

New church shall be consecrated, and old churchyard be fenced from profanation.

IV. And be it further enacted, that the said church, when built, together with the churchyard, shall be consecrated, and shall be and shall be deemed and taken for ever to be the parish church of the said hereby created union or parish of *Kilternan*, to all intents and purposes whatsoever, and shall be called "the parish church of *Kilternan*;" and the old churchyard and place where the said old church of *Kilgobban* stands shall, at the charge of the parishioners of the said hereby created union or parish of *Kilternan*, be fenced in and preserved from profane or common uses.

Right of patronage to new parish or benefice of *Kilternan*, to be as herein mentioned

V. And whereas the right of patronage and presentation to the vicarage or parish of *Kilternan* hath heretofore of right belonged to the archbishop of *Dublin* and bishop of *Glandelough* and his successors, in right of his archbishopric; and the right of nomination or presentation to the perpetual curacy or parish of *Kilgobban* aforesaid, hath heretofore of right belonged to the archdeacon of *Dublin* and his successors; and it is therefore proper and necessary to settle and ascertain how and by which of them the said archbishop and archdeacon, and how often and in what turns, the patronage and right of presentation to the said hereby created union or parish of *Kilternan* should henceforth be by them exercised and enjoyed: and whereas the tithes and profits, payable and arising to the curate of *Kilgobban* are of considerably greater value than the tithes and profits issuing and payable out of the vicarage of *Kilternan*; be it therefore enacted, that from and after the first day of *July* next, the archbishop of *Dublin* and bishop of *Glandelough*, and his successors, archbishops of *Dublin* and bishops of *Glandelough* for ever, shall have one turn of presentation to the said hereby created union or parish of *Kilternan*, out of every three turns; that is to say, the said archbishop of *Dublin* and bishop of *Glandelough*, and his successors, archbishops of *Dublin* and bishops of *Glandelough*, shall present a vicar or incumbent to the said church of *Kilternan* on the first vacancy that shall occur after the first day of *July* next; and afterwards, on the two vacancies which shall next occur, that is, on the second and third vacancies, the said archdeacon and his successors, for the time being shall present to the said united church, and so on for ever thereafter.

Churchwardens of *Bray* may levy arrears of church rates now due on parish of *Kilternan*.

VI. Provided always, and be it enacted, that it shall and may be lawful for the churchwardens of the parish of *Bray*, at any time after the first day of *July* next, to collect, sue for, levy, recover, and receive all church cesses and rates which shall have been duly assessed and apportioned on the said parish of *Kilternan* at any time before the passing of this act, and which shall remain due and unpaid at the time of the passing of this act, in like manner, and with all such powers and authorities, as if this act had not been made; any thing in this act contained to the contrary thereof in anywise notwithstanding.

Public act pursuant to 2 G. 1. (I.)

VII. And whereas by an act made in the parliament of *Ireland*, in the second year of the reign of king *George* the first, intituled *an act for the real union and division of parishes*, it is (among other things) enacted, that all acts of parliament for the uniting or disuniting of particular parishes or parts of parishes, or erecting particular churches, shall be deemed as public and general acts in all courts,

and by all persons ; and that no fees shall be paid or taken by any person or persons for passing any such act of parliament : and whereas it is expedient that a like provision should be made in this case ; be it therefore enacted, that this present act is and shall be deemed a public and general act, and shall be judicially taken notice of as such in all courts, and by all judges, justices, and others, without being specially pleaded ; and that no fees shall be paid or taken by any person or persons for the passing the same.

7 GEORGE 4, CAP. 73.—*An act to consolidate the laws in force in Ireland for the disappropriation of benefices annexed to dignities, and for the appropriation of others in their stead, and for uniting benefices with dignities, and to make further provisions for the like purposes.*—See Title—"DISAPPROPRIATION OF BENEFICES, IRELAND," vol. ii. p. 503.

7 & 8 GEORGE 4, CAP. 43.—*An act to consolidate and amend the laws in force in Ireland for unions and divisions of parishes, and for uniting or disappropriating appropriate parishes or parts of parishes ; and to make further provision with respect to the erecting chapels of ease, and making perpetual cures.*—See Title—"CHURCH BUILDING, IRELAND," vol. ii. p. 193.

10 GEORGE 4, CAP. 58.—*An act to repeal an act of the parliament of Ireland, of the ninth year of the reign of queen Anne, for uniting several parishes, and building several parish churches in more convenient places, so far as relates to the parishes of Oran and Drumtemple in the diocese of Elphin.*—Whereas an act was passed in the parliament of Ireland in the ninth year of the reign of queen Anne, intituled *an act for uniting several parishes, and building several parish churches in more convenient places*, whereby, after reciting that the parishes of Oran and Drumtemple in the diocese of Elphin were fit to be united, and that the ancient church of Oran within the said parish of Oran was conveniently situated for the parishioners of the said parishes to repair unto, were the same rebuilt, it was enacted, that it should and might be lawful to and for the bishop of the said diocese, with the approbation of the archbishop of the province, and the consent of the respective patrons, incumbents, and the major part of the inhabitants of the said parishes, to order the church to be rebuilt at Oran in the said parish of Oran, and to unite the said parishes of Oran and Drumtemple ; and that the said parishes so united should be called by the name of the parish of Oran ; and that the inhabitants of the said united parish should from time to time be liable to and chargeable with building and keeping in repair the said church of Oran, which was for ever to be deemed and taken to be one parish to all intents and purposes whatsoever : and whereas after the passing of the said act the said parishes of Oran and Drumtemple were episcopally united with three other parishes, namely, the parish of Donamon, the parish of Kilcrowan, and the parish of Ballynakill, all in the said diocese of Elphin, which union still subsists : and whereas, in consequence of the great extent of the said union, it may be expedient hereafter to disunite the said parishes, or to divide the said union into two parts, one to consist of the said parishes of Oran and Drumtemple, and the other to consist of the said parishes of Donamon, Kilcrowan, and Ballynakill : and

9 Anne, c. 12,
s. 2.

whereas no church has since the passing of the said act been built or rebuilt, pursuant thereto, in the said parishes thereby united, or either of them; and the said union of the said five parishes now contains only one church, which is in the said parish of *Donamon*, and is extremely remote from other parts of the said union; and whereas the trustees and commissioners of the first fruits of the several benefices in *Ireland* have granted the sum of nine hundred pounds, late *Irish* currency, for building a church in the said parish of *Drumtemple*, being part of the union created by the said act; and a site for such new church has been selected in the village of *Ballymoe* in the said parish, as being more eligible than the site of *Oran*, mentioned in the said act; but such new church cannot, by reason of the said act, be erected at any other place in the said union of *Oran* and *Drumtemple* than *Oran* aforesaid, which has on various accounts become unfit for that purpose; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said act passed in the ninth year of the reign of queen *Anne* as is hereinbefore recited shall be and the same is hereby repealed.

Recited act
in part re-
pealed.

A new church
to be erected
in the village
of Ballymoe.

II. And be it enacted, that it shall and may be lawful to and for the bishop of the said diocese, with the approbation of the archbishop of the province, and the consent of the respective patrons of the said parishes of *Oran* and *Drumtemple*, to order or direct such new church to be erected in the said village of *Ballymoe*, or any other place in either of the said parishes which to such bishop shall appear most convenient.

Public act.
2 G. 1, c. 14.
(1.)

III. And whereas by an act passed in the parliament of *Ireland* in the second year of the reign of king *George* the first, intituled *an act for real union and division of parishes*, reciting that there might be occasion thereafter for making an act or acts of parliament for the uniting or disuniting of particular parishes or parts of parishes, or erecting particular churches, it was enacted, that all such acts of parliament for the aforesaid purposes only, or any of them, should be deemed as public and general acts in all courts and by all persons, and that no fees should be paid or taken by any person or persons for passing any such act of parliament: and whereas it is expedient that a like provision should be made in this case; be it therefore enacted, that this present act shall be deemed a public and general act, and shall be judicially taken notice of as such in all courts, and by all judges, justices, and others, without being specially pleaded, and that no fees shall be paid or taken by any person for passing the same.

7 & 8 G. 4,
c. 43.

2 & 3 WILLIAM 4, CAP. 67.—*An act to amend an act of the seventh and eighth years of the reign of his late majesty king George the fourth, relating to the union of parishes in Ireland.*—Whereas by an act passed in the seventh and eighth years of the reign of his late majesty king *George* the fourth, intituled *an act to consolidate and amend the laws in force in Ireland for unions and divisions of parishes, and for uniting or disappropriating appropriate parishes or parts of parishes, and to make further provision with respect to the*

erecting chapels of ease and making perpetual cures, it is among other things enacted, that from and after the passing of the said act it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, with the assent of the major part of his majesty's privy council, and with the advice and approbation of the archbishop of the province and the bishop of the diocese, and with the consent of the respective patrons, certified under their hands and seals, attested by two or more credible witnesses subscribing thereto, to divide old parishes, or to separate any parish or part of a parish heretofore united, in whatever manner such union may have been effected: and whereas no provision has been made in the said recited act for the consent of patrons in those cases in which the patrons may be either infant or lunatic, or married woman: and whereas, in default of such provision, difficulties have arisen to the separation of parishes, which the lord lieutenant and privy council of *Ireland*, with the approbation of the archbishops and bishops of the respective dioceses, may deem it advisable to separate: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that if any patron or joint patron of a benefice shall at any time after the passing of this act prove to be a minor, lunatic, or idiot, it shall be lawful for the guardian or guardians of such patron being a minor, or for the committee of such patron being a lunatic or idiot, with the approbation in either case respectively of the lord chancellor of *Ireland* for the time being, to be obtained on petition made to him for that purpose, to give consent, on behalf of such patron, to the division of any parish, or the separation of any parish or part of a parish heretofore united, in as full and ample a manner as such patron being of full age and sound mind could have done under the said recited act of the seventh and eighth years of his late majesty: provided always, that when the patron or patrons or joint patron or joint patrons of any such parish or parishes shall be a married woman or married women, it shall be lawful for such married woman or married women, as the case may be, to signify and declare her or their consent in open court of chancery in *Ireland*, to be there recorded and enrolled, and such consent so given and enrolled shall be valid and binding as if such married woman or married women were single or discoverd.

8 & 9 VICTORIA, CAP. 54.—*An act to amend the laws in force in Ireland for unions and divisions of parishes; for the settlement of the patronage thereof, and the celebration of marriages in the same.*—

Whereas by an act passed in the session of parliament holden in the seventh and eighth years of his late majesty king *George* the fourth, intituled *an act to consolidate and amend the laws in force in Ireland for unions and divisions of parishes, and for uniting or disappropriating appropriate parishes or parts of parishes; and to make further provision with respect to the erecting chapels of ease, and making perpetual cures*, it is amongst other things enacted, “that it shall be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, with the assent of the major part of his majesty's privy council in *Ireland* in council assembled, six at least assenting,

Guardians and committees of incapacitated patrons may consent to the separation of parishes.

7 & 8 G. 4, c. 43.

The lord lieutenant and privy council in Ireland, with the consent of the archbishop, bishop, and patrons, may unite parts of one or more parishes to any other parish or parishes.

When new unions are created, the lord lieutenant and council, with the assent of the archbishop, bishop, and patrons, may make a settlement of the patronage.

and with the advice and approbation of the archbishop of the province and the bishop of the diocese, certified under their hands and archiepiscopal and episcopal seals, with the consent of the respective patrons, certified under their hands and seals, attested by two or more credible witnesses subscribing thereunto, to divide old parishes, or to separate any parish or part of a parish heretofore united, in whatever manner such union may have been effected, and to unite parishes one to another, or any part of a parish to another parish, or part of a parish, in perpetuity, and to erect such divided or united parishes or parts of parishes into new parishes, with all parochial rights :” and whereas it is expedient that the said provision should be extended : be it therefore enacted by the queen’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for such lord lieutenant or other chief governor or governors, with assent of the major part of the privy council as aforesaid, in like manner, and with such advice, approbation, and consent respectively as aforesaid, certified or attested as aforesaid, to unite parts of one or more parishes to any other parish or parishes or part or parts of a parish or parishes, and to erect such united parishes or part or parts of a parish or parishes, or such unions, into new parishes, with all parochial rights ; and all such unions made under this act shall be subject to the several provisions of the said recited act in respect to unions made under that act, save and except so far as the same would be repugnant to this act : provided always, that nothing in this provision contained shall be construed to prejudice the powers in the said recited act contained as to unions or divisions of parishes.

II. And whereas by the said recited act it is amongst other things also enacted, that when two or more churches or parishes shall be united into one, in pursuance of the said act, the same having formerly had distinct patrons, in such cases the lord lieutenant or other chief governor or governors of *Ireland* for the time being, and privy council, with the advice and approbation of the respective archbishop and bishop in whose province and diocese the said churches were situate, shall divide the patronage by turns among the patrons, giving to each of them a right to present oftener and seldomer, according to the true yearly value of the respective parish or parishes whereof they are patrons, the consent of each patron being first had, and entered in the instrument for erecting the said union ; and such settlement or settlements as aforesaid shall be final and binding to all patrons, whether ecclesiastical or lay patrons, and to all parties for ever ; reserving always unto every archbishop and bishop, registrars and schoolmasters, their respective dues payable out of every such parish so united : provided always, that where the queen’s majesty, her heirs and successors, is or shall be entitled to the presentation of any of the said parish churches so to be united, he and they shall, from and immediately after such union, upon the then first vacancy, have the first presentation of an incumbent unto such united church, and afterwards, upon the then next vacancy, the other respective patrons severally, as the lord lieutenant or other chief governor or governors and council aforesaid, with

the advice and approbation aforesaid, shall direct and appoint, regard being had to the respective values of the several parishes so to be united as aforesaid, and so in course respectively in manner aforesaid:” and whereas it is expedient that further provision should be made for the settlement of the patronage of ecclesiastical unions; be it therefore enacted, that where, in pursuance of the said recited act or this act, two or more churches or parishes shall be united into one, or where any parish or part of a parish or parts of parishes shall be united to any other parish or parishes or part of a parish or parts of parishes, in every such case it shall be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, with the assent of her majesty’s privy council in *Ireland* as aforesaid, if he and they shall so think fit, and with the advice and approbation of the archbishop and the bishop in whose province and diocese the said churches, parishes, part or parts of a parish or parishes, are situate, certified under their hands and archiepiscopal and episcopal seals, and with the consent of each patron or person, or body politic, corporate, or collegiate, whose ecclesiastical patronage shall be in anywise affected by the creation of such union, (every such consent to be first had, and entered in the instrument for erecting the said union), to make and establish such a settlement or distribution of the patronage of such union, and of the patronage of all unions and parishes from which any parish or parishes or any part of a parish or any parts of parishes have been severed in order to create such union, as in the opinion of such lord lieutenant or other chief governor or governors and privy council as aforesaid the justice of the case shall require; and every such settlement or distribution shall be final and binding to and upon all patrons, whether ecclesiastical or lay patrons, and to and upon all parties for ever; reserving always unto every archbishop and bishop, registrar and schoolmaster, their respective dues payable out of every such parish or part of a parish so united: provided always, that in every case where the consent of the queen’s majesty, her heirs or successors, is to be given to any such settlement or distribution of patronage, or to making any union, under this act, the consent in that behalf of the lord lieutenant or other chief governor or governors of *Ireland*, under his or their hand and seal or hands and seals, shall to all intents and purposes be as good and valid in law as if the consent of her majesty, her heirs or successors, had been thereunto signified by letters patent under the great seal of *Ireland*.

The consent of the crown as patron may be given by the lord lieutenant.

III. And be it enacted, that in case the lord lieutenant or other chief governor or governors of *Ireland* and privy council shall by virtue of the powers in that behalf in them vested under any act now in force or under this act divide old parishes, or separate any parish or part or parts of a parish or parishes heretofore united, and in case the incumbent of any union or parish or part of a parish divided or separated shall by virtue of any law or statute be entitled to receive from the next successor of such incumbent in such union, parish or parishes, or part thereof, any sum or sums of money on account of any purchase of or addition to glebes, or of any buildings or improvements, or of money paid by such person to his immediate predecessor on such accounts respectively, then and in every such

In cases of divisions of parishes, &c. power to apportion charges for improvements on glebes, &c.

case it shall and may be lawful for such lord lieutenant or other chief governor or governors and privy council to order and direct that such sum or sums of money shall be charged and chargeable, in such shares and proportions as they shall think just and reasonable, upon the several parishes or part or parts of parishes respectively theretofore united; and such shares and proportions shall be paid and payable by the several incumbents of such parishes respectively, or part or parts of parishes respectively, to such person and at such times and in such manner as the whole of such sum or sums of money would have been payable by virtue of any law or statute in force in *Ireland* in case such division or separation had not taken place: provided always, that it shall and may be lawful for every such incumbent or other person, or his representatives, having paid any such share or proportion in manner aforesaid, to receive and recover from his next and immediate successor such part of such share and proportion, at such time, and by such ways and means, as if such share or proportion had been paid by him to his next and immediate predecessor by virtue of any law or statute in force in *Ireland*, unless there shall be any provision to the contrary thereof contained in such order of such lord lieutenant or other chief governor or governors and privy council as aforesaid, in which last mentioned case such part of such share or proportion shall not be recoverable from such successor.

The division of the union of Burnchurch, shall if so ordered by the lord lieutenant and council, take effect forthwith.

IV. And whereas it is expedient, and hath been agreed between and by the archbishop of *Dublin* and the bishop of *Leighlin, Ferns, and Ossory*, and the present incumbent of the ecclesiastical union of *Burnchurch*, hereinafter mentioned, situate in the diocese of *Ossory* and county of *Kilkenny*, (in case the consent and approbation of the said lord lieutenant or other chief governor or governors and privy council should be given thereto), that the said union should be divided, and that such division should be made to take effect forthwith; be it therefore enacted, that every order or instrument to be made or executed in pursuance or by virtue of the said act of the seventh and eighth years of king *George* the fourth and of this act, or of any of them, for or in respect of the division of the said ecclesiastical union of *Burnchurch*, or in relation to making any new union, to be composed wholly or in part of any part or parts of such present union of *Burnchurch*, or in relation to the ecclesiastical patronage affected or to be affected by such division or any such new union as last aforesaid, shall come into operation and take effect from and immediately after the making or execution of such order or instrument, or at such time or times as may be appointed in such order or instrument, as fully and effectually, to all intents and purposes, as the same would under the said recited act or this act come into operation or take effect upon the decease of the then incumbent or incumbents of all and every or any parish, parishes, or part or parts of a parish or parishes affected thereby.

Providing for celebration of marriages, until a parish church is erected in any disunited or newly

V. And whereas, under the provisions of the said recited act, and other acts for the dissolution of unions of parishes in *Ireland*, certain parishes have been disunited, and constitute distinct benefices, in each of which benefices so disunited a parish church has not as yet been built: and whereas, under the provisions of this present act,

parishes may be disunited, and new parishes may be erected in which churches have not as yet been built; be it therefore enacted, that, until a parish church be built in any such disunited or newly erected parish, marriages of parties dwelling therein may be celebrated, according to the rites of the united church of *England* and *Ireland*, in the parish church of any adjoining parish.

VI. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

erected parish.

Alteration of act.

SPACE LEFT,
FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

UNION OF ENGLAND AND SCOTLAND.

1 ANNE, STAT. 1, CAP. 14.—*An act for enabling her majesty to appoint commissioners to treat for an union between the kingdoms of England and Scotland.*—Whereas the parliament of *Scotland* did in the reign of their late majesties king *William* and queen *Mary*, shew their desire of an union between the kingdoms of *England* and *Scotland*, and in order thereunto did pass an act, nominating commissioners to treat concerning the union of the two kingdoms. And whereas the queen's most excellent majesty, out of her princely zeal and care for the welfare and happiness of her subjects, is desirous of a nearer and more complete union between her two kingdoms of *England* and *Scotland*, and hath recommended to her parliament of *England*, from the throne, to consider of proper methods for obtaining the same: to the end therefore that her majesty's royal and gracious purposes may be accomplished, and such a farther union may be treated and agreed upon, as may complete and confirm for ever a constant mutual love and friendship between the subjects of both realms; be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons in this present parliament assembled, and by the authority of the same, that such persons as shall be nominated by her majesty, under her great seal of *England*, or such and so many of them, as shall in that behalf be appointed by her majesty to be of the *quorum*, shall, by force of this act, have full power, commission and authority, at such time and times, and in such place or places, as her majesty shall please to appoint, to assemble and meet, and thereupon to treat and consult, according to the tenor or purport of their authority or commission in that behalf, with certain commissioners as shall be authorized by authority of the parliament of *Scotland*, of and concerning such an union of the said realms of *England* and *Scotland*, and of and concerning such other matters, clauses and things whatsoever, as upon mature deliberation and consideration of the greatest part of the said commissioners assembled, as aforesaid, and the commissioners to be authorized by the parliament of *Scotland*, according to the tenor or purport of their commission in that behalf, shall in their wisdom think convenient and necessary, for the honour of her majesty, and the weal and common good of both the said kingdoms for ever; which commissioners of both the said kingdoms shall, according to the tenor or purport of their said authorities or commissions in that behalf, reduce their doings and proceedings therein into writings or instruments *quadrupartite*, every part to be subscribed and sealed by them: to the end that one part thereof may, in all humbleness, be presented to the queen's most excellent majesty, two other parts thereof to be offered to the consideration of the parliament for the realm of *England*, and another part to be offered to the consideration of the parliament for the realm of *Scotland*, at their next sessions,

which shall be held in each kingdom respectively, after such writings or instruments shall be subscribed and sealed by the said commissioners: that thereupon such further proceedings may be had, as by her majesty and both the said parliaments shall be thought fit and necessary, for the weal and common good of both the said kingdoms; to whom the entire consideration of the whole, and the allowing or disallowing the whole, or any part thereof, as they shall think fit, is wholly reserved.

II. Provided also, and be it enacted and declared, that no matter or thing to be treated of, agreed or proposed by the said commissioners, by virtue of this act, shall have any force or effect to be put in execution, until it be confirmed and established by act of parliament of *England*.

Queen may appoint commissioners under her great seal of *England*, to treat with commissioners authorized by the parliament of *Scotland*, for treating of a union between both kingdoms.

Commissioners to reduce their proceedings into writings quadrupartite.

3 & 4 ANNE, CAP. 7.—*An act for the effectual securing the kingdom of England from the apparent dangers that may arise from several acts lately passed in the parliament of Scotland.*—For preventing the many inconveniencies which may speedily happen to the two kingdoms of *England* and *Scotland*, if a nearer and more complete union be not made between the said kingdoms; be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that such persons as shall be nominated by her majesty, under her great seal of *England*, or such and so many of them as shall in that behalf be appointed by her majesty to be of the *quorum*, shall, by force of this act, have full power, commission and authority, at such time and times, and in such place or places, as her majesty shall please to appoint, to assemble and meet, and thereupon to treat and consult, according to the tenor or purport of their authority or commission in that behalf, with certain commissioners as shall be authorized by authority of the parliament of *Scotland*, of and concerning such an union of the said kingdoms of *England* and *Scotland*, and of and concerning such other matters, clauses and things, as upon mature deliberation the greatest part of the said commissioners, assembled as aforesaid, and the commissioners to be authorized by the parliament of *Scotland*, according to the tenor or purport of their commissions in that behalf, shall in their wisdoms think convenient and necessary for the honor of her majesty, and the common good of both the said kingdoms for ever: which commissioners of both the said kingdoms shall, according to the tenor or purport of their said authorities or commissions in that behalf, reduce their doings and proceedings therein into writings or instruments *quadrupartite*, every part to be subscribed and sealed by them, to the end that one part thereof may in all humbleness be presented to the queen's most excellent majesty, two other parts thereof to be offered to the consideration of the parliament for the realm of *England*, and another part to be offered to the consideration of the parliament for the realm of *Scotland*, at their next sessions, which shall be held in each kingdom respectively, after such writings or instruments shall be subscribed and sealed by the said commissioners, that thereupon such further proceedings may be had, as to her majesty, and both the said parliaments, shall be thought fit and necessary for the weal

and common good of both the said kingdoms, to whom the entire consideration of the whole, and the allowing or disallowing the whole, or any part thereof, as they shall think fit, is wholly reserved.

II. Provided always, and be it enacted and declared, that no such commission or authority as aforesaid, shall be granted, until an act of parliament shall be made in the kingdom of *Scotland*, empowering her majesty to grant a commission under the great seal of that kingdom, nominating commissioners to treat concerning the union of the two kingdoms.

III. Provided also, and be it further enacted and declared, that no matter or thing to be treated of, agreed or proposed by the said commissioners by virtue of this act, shall have any force or effect to be put in execution, until it be confirmed and established by act of parliament of *England*.

When such commission shall commence.

After twenty-fifth *December*, one thousand seven hundred and five, no native of *Scotland*, except settled inhabitants, to inherit any lands in *England*, &c. The seven following clauses are repealed by 4 *Anne*, c. 3, sec. 10. Nor be supplied with horses, arms, or ammunition from *England*. *Scotch* cattle prohibited to be brought into *England* or *Ireland*. Lawful to seize and detain cattle so brought in. *English* cattle intermixt with *Scotch* cattle and so seized, subject to the like forfeiture. Penalty on persons conspiring to avoid or evade such seizures. After twenty-fifth *December*, one thousand seven hundred and five, no *Scotch* coals to be imported into *England* or *Ireland*. Nor *Scotch* linen.

Nothing agreed on to have any force till confirmed by act of parliament of *England*.

XII. Provided always, and be it enacted and declared by the authority aforesaid, that the commissioners to be named in pursuance of this act, shall not by virtue of such commission, treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline or government of the church, as by law established within this realm.

Commissioners not to treat of altering the liturgy or government of the church of *England*.

5 ANNE, CAP. 8, ARTS. 1—3, & 25.—*An act for an union of the two kingdoms of England and Scotland*.—Most gracious sovereign, whereas articles of union were agreed on, the twenty-second day of *July* in the fifth year of your majesty's reign, by the commissioners nominated on behalf of the kingdom of *England*, under your majesty's great seal of *England*, bearing date at *Westminster* the tenth day of *April* then last past, in pursuance of an act of parliament made in *England*, in the third year of your majesty's reign, and the commissioners nominated on the behalf of the kingdom of *Scotland*, under your majesty's great seal of *Scotland*, bearing date the twenty-seventh day of *February* in the fourth year of your majesty's reign, in pursuance of the fourth act of the third session of the present parliament of *Scotland*, to treat of and concerning an union of the said kingdoms: and whereas an act hath passed in the parliament of *Scotland*, at *Edinburgh*, the sixteenth day of *January* in the fifth year of your majesty's reign, wherein it is mentioned, that the estates of parliament considering the said articles of union of the two kingdoms, had agreed to and approved of the said articles of union, with some additions and explanations, and that your majesty, with the advice and consent of the estates of parliament, for establishing the protestant religion and presbyterian church government within the

kingdom of *Scotland*, had passed in the same session of parliament an act, intituled *an act for the securing of the protestant religion and presbyterian church government*, which by the tenor thereof was appointed to be inserted in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty of union in all times coming : the tenor of which articles, as ratified and approved of, with additions and explanations by the said act of parliament of *Scotland*, follows :

ARTICLE I.

Union of the
two king-
doms.

Ensigns ar-
morial.

That the two kingdoms of *England* and *Scotland* shall upon the first day of *May* which shall be in the year one thousand seven hundred and seven, and for ever after, be united into one kingdom by the name of *Great Britain* : and that the ensigns armorial of the said united kingdom be such as her majesty shall appoint, and the crosses of *St. George* and *St. Andrew* be conjoined in such manner as her majesty shall think fit, and used in all flags, banners, standards and ensigns, both at sea and land.

ARTICLE II.

Succession
to the mo-
narchy.

12 & 13 W. 3,
c. 2.

Papists ex-
cluded.

1 W. & M.
sess. 2, c. 2.

That the succession of the monarchy to the united kingdom of *Great Britain*, and of the dominions thereto belonging, after her most sacred majesty, and in default of issue of her majesty, be, remain, and continue to the most excellent princess *Sophia*, electoress and duchess dowager of *Hanover*, and the heirs of her body being protestants, upon whom the crown of *England* is settled by an act of parliament made in *England* in the twelfth year of the reign of his late majesty king *William* the third, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject* : and that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial crown of *Great Britain*, and the dominions thereunto belonging, or any part thereof; and in every such case the crown and government shall from time to time descend to, and be enjoyed by such person being a protestant, as should have inherited and enjoyed the same in case such papist or person marrying a papist, was naturally dead according to the provision for the descent of the crown of *England*, made by another act of parliament in *England* in the first year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*.

ARTICLE III.

One parlia-
ment.

That the united kingdom of *Great Britain* be represented by one and the same parliament, to be styled, the parliament of *Great Britain*.

ARTICLE XXV.

Act for se-
curing the
protestant
religion, and

..... And the tenor of the aforesaid act for securing the protestant religion and presbyterian church government within the kingdom of *Scotland*, is as follows :

II. **O**UR sovereign lady and the estates of parliament, considering that by the late act of parliament, for a treaty with *England* for an union of both kingdoms, it is provided, that the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church of this kingdom as now by law established: which treaty being now reported to the parliament, and it being reasonable and necessary that the true protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured: therefore her majesty, with advice and consent of the said estates of parliament, doth hereby establish and confirm the said true protestant religion, and the worship, discipline and government of this church, to continue without any alteration to the people of this land in all succeeding generations; and more especially her majesty, with advice and consent aforesaid, ratifies, approves, and for ever confirms the fifth act of the first parliament of king *William* and queen *Mary*, intituled *act ratifying the confession of faith, and settling presbyterian church government*; with all other acts of parliament relating thereto, in prosecution of the declaration of the estates of this kingdom, containing the claim of right, bearing date the eleventh of *April* one thousand six hundred and eighty-nine: and her majesty, with advice and consent aforesaid, expressly provides and declares, that the aforesaid true protestant religion, contained in the above mentioned confession of faith, with the form and purity of worship presently in use within this church, and its presbyterian church government and discipline (that is to say) the government of the church by kirk sessions, presbyteries, provincial synods, and general assemblies, all established by the aforesaid acts of parliament, pursuant to the claim of right, shall remain and continue unalterable, and that the said presbyterian government shall be the only government of the church within the kingdom of *Scotland*.

presbyterian
church go-
vernment in
Scotland.

III. And further, for the greater security of the aforesaid protestant religion, and of the worship, discipline, and government of this church, as above established, her majesty, with advice and consent aforesaid, statutes and ordains, that the universities and colleges of *Saint Andrew's, Glasgow, Aberdeen, and Edinburgh*, as now established by law, shall continue within this kingdom for ever; and that in all time coming, no professors, principals, regents, masters, or others, bearing office in any university, college, or school within this kingdom, be capable to be admitted, or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed or to be prescribed by the acts of parliament; as also, that before, or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid confession of faith, as the confession of their faith, and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof, and never endeavour directly or indirectly the prejudice or subversion of the same, and that before the respective presbyteries of their bounds, by whatsoever gift, presentation or provision they may be thereto provided.

Universities
and colleges
to continue.

Subjects not liable to any oath inconsistent with the said church government.

Queen's successors to maintain the same.

Act to be forever observed as an essential part of any treaty, &c. between the kingdoms.

Parliament of England may provide for security of church of England, &c.

All laws, &c. inconsistent with articles of union, to cease.

IV. And further, her majesty, with advice aforesaid, expressly declares, and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of any oath, test or subscription within this kingdom, contrary to, or inconsistent with the foresaid true protestant religion, and presbyterian church government, worship, and discipline, as above established; and that the same within the bounds of this church and kingdom, shall never be imposed upon, or required of them, in any sort. And lastly, that after the decease of her present majesty, (whom God long preserve) the sovereign succeeding to her in the royal government of the kingdom of *Great Britain*, shall in all time coming, at his or her accession to the crown, swear and subscribe, that they shall inviolably maintain and preserve the aforesaid settlement of the true protestant religion, with the government, worship, discipline, right, and privileges of this church, as above established by the laws of this kingdom in prosecution of the claim of right.

V. And it is hereby statuted and ordained, that this act of parliament, with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto in any sort for ever: as also, that this act of parliament, and settlement therein contained, shall be insert and repeated in any act of parliament that shall pass for agreeing and concluding the aforesaid treaty of union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union in all time coming: which articles of union, and act immediately above written, her majesty, with advice and consent aforesaid, statutes, enacts, and ordains to be and continue, in all time coming, the sure and perpetual foundation of a complete and entire union of the two kingdoms of *Scotland* and *England*, under the express condition and provision, that this approbation and ratification of the aforesaid articles and act shall be no ways binding on this kingdom, until the said articles and act be ratified, approved, and confirmed by her majesty, with and by the authority of the parliament of *England*, as they are now agreed to, approved and confirmed by her majesty, with and by the authority of the parliament of *Scotland*; declaring nevertheless, that the parliament of *England* may provide for the security of the church of *England* as they think expedient, to take place within the bounds of the said kingdom of *England*, and not derogating from the security above provided for establishing of the church of *Scotland* within the bounds of this kingdom; as also the said parliament of *England* may extend the additions and other provisions contained in the articles of union, as above insert, in favours of the subjects of *Scotland*, to and in favours of the subjects of *England*; which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of *Scotland*.

VI. And lastly, her majesty enacts and declares, that all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, as above mentioned, shall from and after the union cease and become void.

VII. And whereas an act hath passed in this present session of 5 Anne, c. 5. parliament, intituled *an act for securing the church of England as by law established*; the tenor whereof follows:

WHEREAS by an act made in the session of parliament held in the third and fourth year of her majesty's reign, whereby her majesty was empowered to appoint commissioners, under the great seal of *England* to treat with commissioners to be authorized by the parliament of *Scotland*, concerning an union of the kingdoms of *England* and *Scotland*, it is provided and enacted, that the commissioners to be named in pursuance of the said act should not treat of or concerning any alteration of the liturgy, rights, ceremonies, discipline, or government of the church as by law established within this realm: and whereas certain commissioners appointed by her majesty in pursuance of the said act, and also other commissioners nominated by her majesty by the authority of the parliament of *Scotland*, have met and agreed upon a treaty of union of the said kingdoms; which treaty is now under the consideration of this present parliament: and whereas the said treaty (with some alterations therein made) is ratified and approved by act of parliament in *Scotland*: and the said act of ratification is, by her majesty's royal command, laid before the parliament of this kingdom: and whereas it is reasonable and necessary, that the true protestant religion professed and established by law in the church of *England*, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured; be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, that an act made in the thirteenth year of the reign of queen *Elizabeth*, of famous memory, intituled *an act for the ministers of the church to be of sound religion*; and also another act made in the thirteenth year of the reign of the late king *Charles* the second, intituled *an act for the uniformity of the public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the church of England* (other than such clauses in the said acts, or either of them, as have been repealed or altered by any subsequent act or acts of parliament) and all and singular other acts of parliament now in force, for the establishment and preservation of the church of *England*, and the doctrine, worship, discipline, and government thereof, shall remain and be in full force for ever.

Act for securing the church of England, recited.

13 Eliz. c. 12.
13 & 14 Car. 2,
c. 4.

VIII. And be it further enacted by the authority aforesaid, that after the demise of her majesty (whom God long preserve) the sovereign next succeeding to her majesty in the royal government of the kingdom of *Great Britain*, and so for ever hereafter, every king or queen succeeding and coming to the royal government of the kingdom of *Great Britain*, at his or her coronation, shall in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of *England*, and the doctrine, worship, discipline, and government thereof, as by law established within the kingdoms of *England* and *Ireland*, the

Queen's successors to take an oath, to maintain the church of England.

dominion of *Wales*, and town of *Berwick-upon-Tweed*, and the territories thereunto belonging.

Act to be an essential part of any treaty, &c.

IX. And be it further enacted by the authority aforesaid, that this act, and all and every the matters and things therein contained, be, and shall for ever be holden and adjudged to be a fundamental and essential part of any treaty of union to be concluded between the said two kingdoms; and also that this act shall be inserted in express terms in any act of parliament which shall be made for settling and ratifying any such treaty of union, and shall be therein declared to be an essential and fundamental part thereof.

Articles of union, and the act for establishing presbyterian church government, &c. ratified and confirmed.

X. May it therefore please your most excellent majesty, that it may be enacted; and be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every the said articles of union as ratified and approved by the said act of parliament of *Scotland*, as aforesaid, and hereinbefore particularly mentioned and inserted; and also the said act of parliament of *Scotland* for establishing the protestant religion and presbyterian church government within that kingdom, intituled *act for securing the protestant religion, and presbyterian church government*, and every clause, matter, and thing in the said articles and act contained, shall be, and the said articles and act are hereby for ever ratified, approved, and confirmed.

5 Anne, c. 5. Acts for settling the church governments in England and Scotland &c. declared essential parts of the union.

XI. And it is hereby further enacted by the authority aforesaid, that the said act passed in this present session of parliament, intituled *an act for securing the church of England as by law established*, and all and every the matters and things therein contained, and also the said act of parliament of *Scotland*, intituled *an act for securing the protestant religion, and presbyterian church government*, with the establishment in the said act contained, be and shall for ever be held and adjudged to be, and observed as fundamental and essential conditions of the said union; and shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said articles and union; and the said articles of union so as aforesaid ratified, approved and confirmed by act of parliament of *Scotland*, and by this present act, and the said act passed in this present session of parliament, intituled *an act for securing the church of England as by law established*, and also the said act passed in the parliament of *Scotland*, intituled *an act for securing the protestant religion, and presbyterian church government*, are hereby enacted and ordained to be and continue in all times coming the complete and entire union of the two kingdoms of *England* and *Scotland*.

5 Anne, c. 5.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

UNION OF GREAT BRITAIN AND IRELAND.

39 & 40 GEORGE 3, CAP. 67, ARTS. 1 & 5.—*An act for the union of Great Britain and Ireland.*—Whereas in pursuance of his majesty's most gracious recommendation to the two houses of parliament in *Great Britain* and *Ireland* respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the two kingdoms, the two houses of the parliament of *Great Britain* and the two houses of the parliament of *Ireland* have severally agreed and resolved, that, in order to promote and secure the essential interests of *Great Britain* and *Ireland*, and to consolidate the strength, power, and resources of the *British* empire, it will be advisable to concur in such measures as may best tend to unite the two kingdoms of *Great Britain* and *Ireland* into one kingdom, in such manner, and on such terms and conditions, as may be established by the acts of the respective parliaments of *Great Britain* and *Ireland*:

And whereas, in furtherance of the said resolution, both houses of the said two parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said purposes, in the tenor following:

The parliaments of England and Ireland have agreed upon the articles following.

ARTICLE FIRST.

That it be the first article of the union of the kingdoms of *Great Britain* and *Ireland*, that the said kingdoms of *Great Britain* and *Ireland* shall, upon the first day of *January* which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of the united kingdom of *Great Britain* and *Ireland*; and that the royal style and titles appertaining to the imperial crown of the said united kingdom and its dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as his majesty, by his royal proclamation under the great seal of the united kingdom, shall be pleased to appoint.

That Great Britain and Ireland shall upon Jan. 1, 1801, be united into one kingdom: and that the titles appertaining to the crown. &c. shall be such as his majesty shall be pleased to appoint.

ARTICLE FIFTH.

That it be the fifth article of union, that the churches of *England* and *Ireland*, as now by law established, be united into one protestant episcopal church, to be called, the united church of *England* and *Ireland*; and that the doctrine, worship, discipline, and government of the said united church shall be, and shall remain in full force for ever, as the same are now by law established for the church of *England*; and that the continuance and preservation of the said united church, as the established church of *England* and *Ireland* shall be deemed and taken to be an essential and fundamental part of the union; and that in like manner the doctrine, worship, discipline, and government of the church of *Scotland*, shall remain and

The churches of England and Ireland shall be united into one protestant episcopal church, and the church of Scotland shall remain as now established.

be preserved as the same are now established by law, and by the acts for the union of the two kingdoms of *England* and *Scotland*.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

And whereas, in furtherance of the said resolution, both Houses of the said two Parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said purposes, in the tenor following:

ARTICLE FIRST.

That it be the first article of the union of the Kingdoms of Great Britain and Ireland, that the said Kingdoms of Great Britain and Ireland shall, upon the first day of January which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one Kingdom, by the name of the United Kingdom of Great Britain and Ireland; and that the royal style and titles appertaining to the Imperial Crown of the said United Kingdom and its Dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as his Majesty, by his royal proclamation under the great seal of the United Kingdom, shall be pleased to appoint.

ARTICLE FIFTH.

That it be the fifth article of union, that the churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called, the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said United Church shall be, and shall remain in full force for ever, as the same are now by law established for the church of England; and that the continuance and preservation of the said United Church, as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union; and that in like manner the doctrine, worship, discipline, and government of the church of Scotland shall remain and

UNIVERSITIES OF OXFORD, CAMBRIDGE, ETC.

9 HENRY 4.—*Because that divers complaints have been made to our Lord the king by the commons of this realm, in the parliament holden at Gloucester the twentieth day of October, in the ninth year of the reign of our said lord king Henry the fourth after the conquest; the same our lord the king, willing to remedy the said complaints, by the advice and assent of the lords spiritual and temporal, and at the instance and request of the said commons, hath caused to be ordained and stablished divers statutes and ordinances, in form as followeth.*

9 HENRY 4, CAP. 1.—*A confirmation of all liberties, except those granted to the scholars of Oxford.*—First, that holy church have all her liberties and franchises; and that all the lords spiritual and temporal, and other the king's liege people, having liberties and franchises, and all cities and boroughs of the realm, have and enjoy their liberties and franchises, which they have of the grants of the progenitors of our lord the king, and of his own grant or confirmation, except the franchise now late granted to the scholars of the university of *Oxford*; and that the great charter, and the charter of the forest, and all other good statutes made before this time, and not repealed, stand in their force.

13 HENRY 4.—*The Tuesday being on the morrow of All Souls, the thirteenth year of the reign of our lord king Henry the fourth, the same our lord the king, by the advice and assent of the lords spiritual and temporal, and at the request of the commons being in the said parliament holden at Westminster, hath caused to be ordained and stablished divers statutes and ordinances in form as followeth.*

13 HENRY 4, CAP. 1.—*A confirmation of all liberties, saving a franchise granted to the scholars of Oxford.*—First, that holy church have all her liberties and franchises, and that all the lords spiritual and temporal, and other liege men of the king, having liberties and franchises, and all the cities and boroughs of the realm have and enjoy all their liberties and franchises, which they have of the grant of our lord the king's progenitors, or of his own grant or confirmation, except the franchise now late granted to the scholars of the university of *Oxford*; and that the great charter, and the charter 9 H. 4, c. 1. of the forest, and all other good statutes made before this time, and not repealed, stand in their force.

9 HENRY 5, CAP. 8.—*Certain scholars of Oxford to be banished the university for certain offences.*—Item, because that many clerks and scholars of the university of *Oxford*, unknown, armed, and arrayed in the manner of war—with strong hand have taken clerks convict of felony by due process of the law, out of the ward of the ordinaries, and those prisoners have brought with them and let go at large, as the king by open complaint to him made in this parliament hath conceived: our said sovereign lord the king, willing upon the same to set remedy, hath ordained and stablished, that due process shall be made against such scholars wrong doers, for their offences, as the law and also the statutes of the land require, according to the case, till they come to answer, or else be outlawed. And if any such scholar be so outlawed, then the justices, before

Scholars of university of Oxford, having violently rescued clerks convicted out of the ordinaries' prisons, shall be proceeded against, till they answer or be outlawed,

and, being
outlawed,
they shall
be banished
the univer-
sity.

whom such outlawry shall be returned, shall certify the chancellor of the said university for the time being of the same outlawry. And that the same chancellor, upon such certification had, shall do to be banished, maintain, and without difficulty, such outlaws out of the same university, upon the pain that pertaineth. And that this ordinance endure till the next parliament be holden, after the king's return from beyond the sea into *England*.

37 HENRY 8, CAP. 4.—*A bill for colleges, chantries, &c.*—See Title—"CHANTRIES," vol. i. p. 431.

1 EDWARD 6, CAP. 14, SECS. 20, 21.—*The act for chantries collegiate.*—See Title—"CHANTRIES," vol. i. p. 451.

7 EDWARD 6, CAP. 5, SECS. 3 & 8.—*The act to avoid the excessive prices of wines.*

III. Three taverns allowed at *Oxford*, and four at *Cambridge*.

None of the
liberties of
Oxford or
Cambridge
shall be im-
paired.

VIII. Provided always, that this act, or any thing therein contained, shall not in anywise be prejudicial or hurtful to any of the universities of *Oxford* and *Cambridge*, or to the chancellor or scholars of the same or their successors or any of them, to impair or take away any of the liberties, privileges, franchises, jurisdictions, powers and authorities to them or any of them appertaining or belonging: but that they and every of them and their successors may have, hold, use and enjoy all their liberties, privileges, franchises, jurisdictions, powers and authorities, in such large and ample wise as though this act had never been had nor made; so always that there be not any more or greater number of taverns kept or maintained within any of the said towns of *Oxford* or *Cambridge*, than may be lawfully kept and maintained by the provision, true meaning and intent of this statute; any thing in this proviso mentioned to the contrary notwithstanding.

1 & 2 PHILIP & MARY, CAP. 8, SEC. 26.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 132.

2 & 3 PHILIP & MARY, CAP. 15.—*An act that purveyors shall not take victuals within five miles of Cambridge and Oxford.*—Humbly sue to your majesties, the societies, colleges, and companies of your true and faithful subjects, and daily orators, the scholars, and students of both your majesties' universities, *Cambridge*, and *Oxford*, that where it hath been accustomed time out of mind, that both the said market towns of *Cambridge* and *Oxford*, wherein the said two universities be set, and the circuit of five miles next adjoining, hath been free from any charge or molestation of any common takers, or purveyors for victual, whereby the said markets, were more plentifully served with victual, and the poor estate of a great multitude of scholars, having very bare and small sustentation, thereby relieved, and now by the means that contrary to the same laudable custom, divers purveyors and takers, have of late excessively frequented the same market, and thereby given occasion to make victuals more scant, and much dearer to a notorious decay of

scholars, which also daily in this great dearth is like to increase, and be more lamentable, to the hindrance of God's service, the dishonour of the realm, the discomfort of all good and holy men loving learning and virtue.

II. It may therefore please your majesties, of your great pity, and abundant favour and love towards your said two universities, being the very two only nurses of good learning in this realm, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, to enact, ordain, and establish, that from henceforth, no manner of purveyor, taker, loader, or other minister, may, or shall take or bargain for any kind of victual, or grain, in any of the said markets or towns of *Cambridge*, and the city of *Oxford*, nor shall take or bargain for any victual within the compass of five miles thereto adjoining, without the consent, agreement, or good will of the owner or owners, neither shall attempt to carry, take away, or bargain for any manner of grain, or other victual, bought, or provided within the said space of five miles, by any common minister of any college, hostel, or hall, to be spent within any of the said colleges, hostels, or halls, upon pain of the forfeiture of the quadruple value of any such manner grain, or victual, so taken or bargained for, in any of the said markets, or within the said space of five miles, against the will of the owners, as is abovesaid, or attempt to be taken, carried away or bargained for, being provided, as is abovesaid, for to be spent in any of the colleges, hostels, or halls: and further shall suffer imprisonment for the space of three months, without bail or mainprize, and that the chancellor or vice-chancellor, or his commissary for the time being, in either of the said universities, with two justices of the peace of the county wherein the said universities be set, shall have full power by authority of this act, to inquire by the oaths of twelve men, of and upon the defaults and offences committed contrary to the tenor thereof, and to see due punishment and reformation thereof in form aforesaid, from time to time; the one half of which aforesaid forfeitures to be to the common treasure of either of the said universities, respectively to the fault committed against this their privilege, the other half to the party that will sue for the same by action of debt, bill, plaint, or otherwise in any court of record, or before the aforesaid chancellor, his vice-chancellor or commissary for the time being, and two justices of peace, as is before expressed.

III. Provided, that this act shall not be put in execution at any time or times, whensoever your majesties, or the heirs or successors of your majesty our sovereign lady, shall please to come to any of both the said universities, or within seven miles of either of them, but shall be in suspense during that time only and no longer

IV. Provided always, and be it enacted by the authority aforesaid, that this act, or any thing therein contained, shall not in anywise be prejudicial or hurtful to the mayor, bailiffs, and commonalty of the city of *Oxford*, nor to the mayor and commonalty of the town of *Cambridge*, or to their successors, for, and concerning any of their liberties, or privileges, but that they and every of them, and their successors respectively, may have and use the same, in such manner and form, as they, or any of them, might or ought to have done

before the making of this act ; any thing in this act contained to the contrary notwithstanding.

13 ELIZABETH, CAP. 29.—*An act concerning the several incorporations of the universities of Oxford and Cambridge, and the confirmation of the charters, liberties and privileges granted to either of them.*—For the great love and favour that the queen's most excellent majesty beareth towards her highness' universities of *Oxford* and *Cambridge*, and for the great zeal and care that the lords and commons of this present parliament have for the maintenance of good and godly literature, and the virtuous education of youth within either of the said universities, and to the intent that the ancient privileges, liberties and franchises of either of the said universities heretofore granted, ratified and confirmed by the queen's highness, and her most noble progenitors, may be had in greater estimation, and be of greater force and strength, for the better increase of learning, and the further suppressing of vice : be it therefore enacted by the authority of this present parliament, that the right honourable *Robert* earl of *Leicester*, now chancellor of the said university of *Oxford*, and his successors for ever, and the masters and scholars of the same university of *Oxford* for the time being, shall be incorporated and have a perpetual succession in fact, deed and name, by the name of the chancellor, masters and scholars of the university of *Oxford* : and that the same chancellor, master and scholars of the same university of *Oxford*, for the time being, from henceforth, by the name of chancellor, masters and scholars of the university of *Oxford*, and by none other name or names shall be called and named for evermore ; and that they shall have a common seal to serve for their necessary causes touching and concerning the said chancellor, masters and scholars of the said university of *Oxford*, and their successors : and likewise that the right honourable sir *William Cecil* knight, baron of *Burghley*, now chancellor of the said university of *Cambridge*, and his successors for ever, and the masters and scholars of the said university of *Cambridge*, for the time being, shall be incorporated and have a perpetual succession in fact, deed and name, by the name of the chancellor, masters and scholars of the university of *Cambridge*, and that the same chancellor, masters and scholars of the said university of *Cambridge*, for the time being, from henceforth, by the name of chancellor, masters and scholars of the university of *Cambridge*, and by no other name or names, shall be called and named for evermore ; and that they shall have a common seal to serve for their necessary causes touching and concerning the said chancellor, masters and scholars of the said university of *Cambridge*, and their successors : and further, that as well the chancellor, masters and scholars of the said university of *Oxford*, and their successors, by the name of chancellor, masters and scholars of the university of *Oxford*, as the chancellor, masters and scholars of the said university of *Cambridge*, and their successors, by the name of chancellor, masters and scholars of the university of *Cambridge*, may severally implead and be impleaded, and sue and be sued for all manner of causes, quarrels, actions real personal and mixed, of whatsoever kind, quality or nature they be, and shall and may challenge and demand all manner of liberties and franchises, and also answer

and defend themselves under and by the name aforesaid, in the same causes, quarrels and actions, for every thing and things whatsoever, for the profit and right of either of the aforesaid universities, to be done before any manner of judge, either spiritual or temporal, in any courts and places within the queen's highness' dominions whatsoever they be: and be it further enacted by the authority aforesaid, that the letters patents of the queen's highness' most noble father king *Henry* the eighth, made and granted to the chancellor and scholars of of the said university of *Oxford*, bearing date the first day of *April* in the fourteenth year of his reign, and the letters patents of the queen's majesty that now is, made and granted unto the chancellor, masters and scholars of the university of *Cambridge*, bearing date the twenty-sixth day of *April* in the third year of her highness' most gracious reign, and also all other letters patents, by any of the progenitors or predecessors of our said sovereign lady, made to either of the said corporated bodies severally, or to any of their predecessors, of either of the said universities, by whatsoever name or names the said chancellor, masters and scholars of either of the said universities, in any of the said letters patents, have been heretofore named, shall from henceforth be good, effectual and available in the law to all intents, constructions and purposes, to the foresaid now chancellor, master and scholars of either of the said universities, and to their successors for evermore, after and according to the form, words, sentences and true meaning of every of the same letters patents, as amply, fully and largely, as if the same letters patents were recited *verbatim* in this present act of parliament; any thing to the contrary in any wise notwithstanding. And furthermore be it enacted by the authority aforesaid, that the chancellor, masters and scholars of either of the said universities, severally, and their successors for ever, by the same name of chancellor, masters and scholars of either of the said universities of *Oxford* and *Cambridge*, shall and may severally have, hold, possess, enjoy and use to them, and to their successors for evermore, all manner of manors, lordships, rectories, parsonages, lands, tenements, rents, services, annuities, advowsons of churches, possessions, pensions, portions and hereditaments, and all manner of liberties, franchises, immunities, quietances and privileges, view of frank pledge, law days, and other things whatsoever they be, the which either of the said corporated bodies of either of the said universities had, held, occupied or enjoyed, or of right ought to have had, used, occupied and enjoyed, at any time or times before the making of this act of parliament, according to the true intent and meaning as well of the said letters patents made by the said noble prince king *Henry* the eighth, made and granted to the chancellor and scholars of the university of *Oxford*, bearing date as is aforesaid, as of the letters patents of the queen's majesty made and granted unto the chancellor, masters and scholars of the university of *Cambridge*, bearing date as aforesaid, and as according to the true intent and meaning of all the other the foresaid letters patents whatsoever; any statute or other thing or things whatsoever heretofore made or done to the contrary in any manner of wise notwithstanding. And be it further enacted by the authority aforesaid, that all manner of instruments, indentures, obli-

gations, writings obligatory and recognizances, made or knowledged by any person or persons or body corporate, to either of the said corporated bodies of either of the said universities, by what name or names soever the said chancellor, masters and scholars of either of the said universities have been heretofore called in any of the said instruments, indentures, obligations, writings obligatory or recognizances, shall be from thenceforth available, stand and continue of good, perfect and full force and strength to the now chancellor, masters and scholars of either of the said universities, and to their successors, to all intents, constructions and purposes, although they or their predecessors, or any of them, in any of the said instruments, indentures, obligations, writings obligatory or recognizances, be named by any name contrary or diverse to the name of the now chancellor, masters and scholars of either of the said universities. And be it also enacted by the authority aforesaid, that as well the said letters patents of the queen's highness' said father king *Henry* the eighth, bearing date as is before expressed, made and granted to the said corporate body of the said university of *Oxon*, as the letters patents of the queen's majesty aforesaid granted to the chancellor, masters and scholars of the university of *Cambridge*, bearing date as aforesaid, and all other letters patents by any of the progenitors or predecessors of her highness, and all manner of liberties, franchises, immunities, quietances and privileges, leets, law days and other things whatsoever therein expressed, given or granted to the said chancellor, masters and scholars of either of the said universities, or to any of their predecessors of either of the said universities, by whatsoever name the said chancellor, masters and scholars of either of the said universities in any of the said letters patents be named, be and by virtue of this present act shall be from henceforth ratified, stablished and confirmed unto the said chancellor, masters and scholars of either of the said universities, and to their successors for ever; any statute, law, usage, custom, construction or other thing to the contrary in anywise notwithstanding. Saving to all and every person and persons, and bodies politic and incorporate, their heirs and successors, and the heirs and successors of every of them, other than to the queen's majesty, her heirs and successors, all such rights, titles, interests, leases, entries, conditions, charges and demands, which they and every of them, had, might or should have had, of, in or to any of the manors, lordships, rectories, parsonages, lands, tenements, rents, services, annuities, advowsons of churches, pensions, portions, hereditaments and all other things in the said letters patents, or in any of them mentioned or comprised, by reason of any right, title, charge, interest or condition to them or any of them, or to the ancestors or predecessors of them or any of them, devolute or grown before the several dates of the said letters patents, or by reason of any gift, grant, demise or other act or acts, at any time made or done between the said chancellor, masters and scholars of either of the said universities of *Cambridge* and *Oxford*, or any of them, and others, by what name and names soever the same were made and done, in like manner and form as they and every of them had or might have had the same before the making of this act; any thing, &c. Provided always, and be it enacted by the authority

aforesaid, that this act, or any thing therein contained, shall not extend to the prejudice or hurt of the liberties and privileges of right belonging to the mayors, bailiffs and burgesses, of the town of *Cambridge* and city of *Oxford*; but that they the said mayors, bailiffs and burgesses, and every of them, and their successors, shall be and continue free in such sort and degree, and enjoy such liberties, freedoms and immunities, as they or any of them lawfully may or might have done, before the making of this present act; any thing contained in this present act to the contrary notwithstanding.

18 ELIZABETH, CAP. 6.—*An act for maintenance of the colleges in the universities, and of Winchester and Eton.*—For the better maintenance of learning, and the better relief of scholars in the universities of *Cambridge* and *Oxford*, and the colleges of *Winchester* and *Eton*, be it enacted by the queen's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that no master, provost, president, warden, dean, governor, rector or chief ruler of any college, cathedral church, hall or house of learning in any of the universities aforesaid, nor any provost, warden or other head officer of the said colleges of *Winchester* or *Eton*, nor the corporation of any of the same, by what title, style or name soever they now be, shall or may be called, after the end of this present session of parliament, shall make any lease for life, lives or years, of any farm, or any their lands, tenements, or other hereditaments to the which any tithes, arable land, meadow or pasture doth or shall appertain, except that the one-third part at the least of the old rent be reserved and paid in corn for the said colleges, cathedral church, halls and houses; that is to say, in good wheat after six shillings and eight-pence the quarter or under, and good malt at five shillings the quarter or under, to be delivered yearly upon days prefixed, at the said colleges, cathedral church, halls or houses; and for default thereof, to pay to the said colleges, cathedral church, halls or houses, in ready money, at the election of the said lessees, their executors, administrators and assigns, after the rate of the best wheat and malt in the market of *Cambridge*, for the rents that are to be paid to the use of the house or houses there; and in the market of *Oxford*, for the rents that are to be paid to the use of the house or houses there; and in the market of *Winchester*, for the rents that are to be paid to the use of the house or houses there; and in the market of *Windsor*, for the rents that are to be paid to the use of the house or houses at *Eton*; is or shall be sold the next market day before the said rent shall be due, without fraud or deceit: and that all leases otherwise hereafter to be made, and all collateral bonds or assurance to the contrary, by any of the said corporations, shall be void in law to all intents and purposes: the same wheat, malt, or the money coming of the same, to be expended to the use of the relief of the commons and diet of the said colleges, cathedral church, halls and houses only, and by no fraud or colour let or sold away from the profit of the said colleges, cathedral church, halls and houses, and the fellows and scholars in the same, and the use aforesaid, upon pain of deprivation of the governor and chief rulers of the said colleges, cathedral church, halls and houses, and all other thereunto consenting.

Upon leases made by colleges, a thlrd part of the rent shall be reserved in corn.
1 Leon. 307.
Savil 129.

Mouncken
Barn in Sus-
sex.

II. Provided always, that this act or any thing therein contained, shall not extend or be in anywise prejudicial to any lease to be made of a barn called *Mouncken* barn, with a certain portion of tithes, rising, growing and being in the parish of *Southweek* in the county of *Sussex*, being parcel of the possessions of *Maudlin* college in *Oxford*, so that the term demised in and by the said lease exceed not the number of ten years from and after the Feast of *Saint Michael* the archangel next coming; any thing therein specified to the contrary notwithstanding.

Fifield
demised to
White.

III. Provided also, that this act shall not extend to any lease to be made by the president and scholars of the college of *Saint John Baptist* in *Oxford*, to any heir male of sir *Thomas White*, late knight and alderman of *London*, founder of the said college; which lease shall be made according to the meaning of the foundation and statutes of the said college, of the manor of *Fifield*, and no other hereditaments.

Elections,
presenta-
tions, &c. in
colleges, &c.
wrought con-
trary to the
intent of the
founders,
Cro. Jac. 533.
3 Inst. 153.
1 Roll. 157,
236.
2 Roll. 83, 465.

31 ELIZABETH, CAP. 6.—*An act against abuses in election of scholars, and presentation to benefices.*—Whereas by the intent of the founders of colleges, churches collegiate, churches cathedral, schools, hospitals, halls and other like societies within this realm, and by the statutes and good orders of the same, the elections, presentations and nominations of fellows, scholars, officers and other persons, to have room or place in the same, are to be had and made of the fittest and most meet persons, being capable of the same election, presentations and nominations, freely, without any reward, gift or thing given or taken for the same: and for true performance whereof, some electors, presentors and nominators in the same, have or should take a corporal oath to make their elections, presentations and nominations accordingly; yet notwithstanding it is seen and found by experience, that the said elections, presentations and nominations be many times wrought and brought to pass with money, gifts and rewards, whereby the fittest persons to be elected, presented or nominated, wanting money or friends, are seldom or not at all preferred, contrary to the good meaning of the said founders, and the said good statutes and ordinances of the said colleges, churches, schools, halls, hospitals and societies, and to the great prejudice of learning, and the commonwealth and estate of the realm:

The forfeit-
ure of him
who taketh
reward for
his voice in
electing a
fellow, scho-
lar, &c. into
a college, &c.
2 Bulstr. 182.
3 Bulstr. 88,
90.
Moor 877,
pl. 1231.
Vin. v. 19,
455, &c.
2 Haw. P. C.
389 & 396.
Hob. 75, 167.
1 Cro. 357.
March 84.

II. For remedy whereof be it enacted by the queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that if any person or persons, bodies politic or corporate, which have election, presentation or nomination, or voice, or assent in the choice, election, presentation or nomination of any fellow, scholar, or any other person, to have room or place in any of the said churches colleges, schools, hospitals, halls or societies, shall at any time after forty days next after the end of this present session of parliament, have, receive or take any money, fee, reward or any other profit, directly or indirectly, or shall take any promise, agreement, covenant, bond or other assurance to receive or have any money, fee, reward or any other profit, directly or indirectly, either to him or themselves, or to any other of their or any of their friends, for his or their voice or voices, assent or assents, or consents, in electing, choosing, pre-

senting or nominating any officer, fellow, scholar, or other person, to have any room or place in any of the said churches, colleges, schools, halls, hospitals or societies; that then and from thenceforth the place, room or office which such person so offending shall then have in any the said churches, colleges, schools, halls, hospitals or societies, shall be void: and that then, as well the queen's majesty, her heirs and successors, and every other person and persons, their heirs and successors, to whom the presentation, donation, gift, election, or disposition shall of right belong or appertain of any such of the said rooms or places of the said person offending as aforesaid, shall or may at their pleasure elect, present, nominate, place or appoint any other person or persons in the room, office or place of such person or persons so offending, as if the said person or persons so offending then were naturally dead.

III. And be it further enacted by the authority aforesaid, that if any fellow, officer or scholar of any the said churches, colleges, schools, halls, hospitals or societies, or other persons having room or place in any of the same, shall at any time hereafter, directly or indirectly take or receive, or by any way, device or means, contract or agree to have or receive any money, reward or profit whatsoever, for the leaving or resigning up of the same his room or place, for any other to be placed in the same, that then every person so taking or contracting, or agreeing to take or have any thing for the same, shall forfeit and lose double the sum of money or value of the thing so received and taken, or agreed to be received and taken; and every person by whom or for whom any money, gift or reward as aforesaid shall be given or agreed to be paid, shall be incapable of that place or room for that time or turn; and shall not be, nor had nor taken to be, a lawful fellow, scholar or officer of any of the churches, colleges, halls, hospitals, schools or societies, or to have such room or place there; but that they to whom it shall appertain, at any time thereafter, shall and may elect, choose, present and nominate any other person fit to be elected, presented and nominated into the said room or fellowship, as if the said person by or for whom any such money, gift or reward shall be given or agreed to be paid, were dead, or had resigned and left the same. And for more sincere election, choice, presentation and nomination of fellows, scholars, officers and other persons, to have room or place hereafter in any of the said churches, colleges, halls, schools, hospitals, and other the like societies;

IV. Be it further enacted by the authority aforesaid, that at the time of every such election, presentation and nomination hereafter to be had, as well this present act as the orders and statutes of the same places concerning such election, presentation or nomination to be had, shall then and there be publicly read, upon pain that every person in whom default thereof shall be shall forfeit and lose the sum of forty pounds; all which forfeitures shall and may be had and recovered in any her majesty's courts of record by any person or persons, bodies politic and corporate, that will sue for the same, by bill, plaint or action of debt, in which no essoin, protection or wager of law shall be allowed: the one moiety whereof shall be to him or them that will sue for the same; the other moiety to the use of the said church, college, hall, hospital, school or society where

The penalty for giving or taking of money for resigning a place in a college, society, &c.
Hob. 165.

At every election this statute and the statutes of the house shall be read.

Who shall have the forfeitures, and by what means.

such offence shall be committed, and for the avoiding of simony and corruption in presentations, collations and donations of and to benefices, dignities, prebends, and other livings and promotions ecclesiastical, and in admissions, institutions and inductions to the same: [For remainder of this act, see vol. iv. p. 6.]

1 JAMES 1, CAP. 9, SEC. 6.—*An act to restrain the inordinate haunting and tipling in inns, alehouses, and other victualling-houses.*

Offences
committed
within the
universities.

VI. Provided always, and be it enacted by the authority of this present parliament, that the correction and punishment of such as shall offend against this act or any part thereof, within either of the two universities of this realm or the precincts or liberties of the same, shall be done upon the offenders, and justice shall be ministered in this behalf, according to the intent and true meaning of this law, by the governors, magistrates, justices of the peace, or other principal officers of either of the same universities, to whom in other cases the administration of justice, and correction and punishment of offenders by the laws of this realm and their several charters doth belong or appertain, and that no other within their liberties, for any matter concerning this law, contrary to their several charters, do intermeddle; and that all penalties and sums of money to be forfeited or lost by force of this act, within either of the universities or the liberties or precincts of the same, shall be levied by the officers or ministers of either of the said universities, to be from time to time in that behalf appointed by the vice-chancellors thereof for the time being respectively; and that all powers and authorities either of imprisonment or otherwise before given or appointed by this act, shall by the governors, magistrates and principal officers abovesaid of either of the said universities, be duly executed and done within either of the said universities and the liberties and precincts of the same, according to the true intent and meaning of this act. [Made perpetual by 21 James 1, c. 7, s. 1.]

3 JAMES 1, CAP. 5, SECS. 18—20.—*An act to prevent and avoid dangers which grow by popish recusants.*—See Title—"PAPISTS," vol. iii. p. 494.

4 JAMES 1, CAP. 5. SECS. 8—10.—*An act for repressing the odious and loathsome sin of drunkenness.*

Enlarged by
21 Jac. 1, c. 7,
sec. 5.
No restraint
of ecclesiastical
jurisdictions.

VIII. Provided always, that this act, or any thing therein contained, do not in anywise abridge or restrain the ecclesiastical power or jurisdiction, but that all ordinaries, and other ecclesiastical judges and officers, shall and may proceed to inquire of, censure and punish all such offenders according to the ecclesiastical laws of this realm, in such manner and form as before they lawfully might do; any thing in this act to the contrary notwithstanding.

There shall
be but one
punishment
for one offence.

IX. Provided also, that when any of the offenders against the true intent of this act, or any branch or article thereof, hath been once punished or corrected for his or her offence, by any the ways and means before limited; that then the said offender shall not be eftsoons punished or corrected for the same offence by any other ways or means.

The liberties
of the uni-
versities
shall not be
prejudiced.

X. Provided always, that this act, or any thing therein contained, shall not be prejudicial to either of the two universities of this land, but that the chancellors, masters and scholars, and the successors of

them and either of them, may as fully use and enjoy all their jurisdictions, rights, privileges and charters, as heretofore they have or might have done; any thing in this act to the contrary notwithstanding.

21 JAMES 1, CAP. 7, SEC. 1.—*An act for the better repressing of drunkenness, and restraining the inordinate haunting of inns, alehouses and other victualling-houses.*—Whereas one statute, intituled *an act to restrain the inordinate haunting or tipling in inns, alehouses and other victualling-houses*, made in the first year of his highness' happy reign of *England*, and another statute, intituled *an act to repress the odious and loathsome sin of drunkenness*, made in the fourth year of his highness' reign of *England*, were made to continue to the end of the first session of the next parliament, and by experience have been found good and necessary laws; be it therefore enacted, that the said statutes, with the alterations and additions hereafter expressed, shall be put in due execution and continue for ever.

The statutes
of 1 Jac. 1,
c. 9,
4 Jac. 1, c. 5,
made perpetual.

21 JAMES 1, CAP. 28.—*An act for continuing and reviving of divers statutes, and repeal of divers others.*—Be it enacted by the authority of this present parliament, that *an act for the repressing the odious and laathsome sin of drunkenness:* shall by virtue of this act be adjudged, ever since the session of parliament in the seventh year of his majesty's reign of *England*, to have been of such force and effect as the same were the last day of that session, and from thenceforth until the end of the first session of the next parliament.

Ale.
4 Jac. 1, c. 5.

12 CHARLES 2, CAP. 25, SEC. 7.—*An act for the better ordering the selling of wines by retail, and for preventing abuses in the mingling, corrupting and viciating of wines, and for setting and limiting the prices of the same.*

VII. Provided always, that this act, nor any thing therein contained, shall not in anywise be prejudicial to the privilege of the two universities of this land, or either of them, nor to the chancellors or scholars of the same, or their successors; but that they may use and enjoy such privileges as heretofore they have lawfully used and enjoyed, any thing herein to the contrary notwithstanding.

Proviso for
the two uni-
versities, and
their privi-
leges.

1 WILLIAM & MARY, SESS. 1, CAP. 26.—*An act to vest in the two universities the presentations of benefices belonging to papists.*—See Title—"ADVOWSONS," vol. i. p. 103.

6 & 7 WILLIAM & MARY, CAP. 6, SEC. 53.—*An act for granting to his majesty certain rates and duties upon marriages, births, and burials, and upon bachelors and widowers, for the term of five years, for carrying on the war against France with vigour.*—See Title—"STAMPS & DUTIES," vol. iv. p. 296.

7 & 8 WILLIAM 3, CAP. 37.—*An act for the encouragement of charitable gifts and dispositions.*—See Title—"MORTMAIN," vol. iii. p. 401.

8 ANNE, CAP. 19, SECS. 4, 5, & 9.—*An act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned.*

IV. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, that if any bookseller or booksellers, printer or printers, shall, after the said five and twentieth day of *March* one

After 25th
March 1710,
the arch-
bishop of

Canterbury, &c. to settle the prices of books, upon complaint made that they are unreasonable,

and if altered from the price the bookseller set, may order him to pay costs to the party complaining.

Penalty on booksellers selling at higher rates. This clause repealed by 12 G. 2, c. 36.

thousand seven hundred and ten, set a price upon, or sell, or expose to sale, any book or books at such a price or rate as shall be conceived by any person or persons to be too high and unreasonable: it shall and may be lawful for any person or persons to make complaint thereof to the lord archbishop of *Canterbury* for the time being, the lord chancellor or lord keeper of the great seal of *Great Britain* for the time being, the lord bishop of *London* for the time being, the lord chief justice of the court of queen's bench, the lord chief justice of the court of common pleas, the lord chief baron of the court of exchequer for the time being, the vice-chancellors of the two universities for the time being, in that part of *Great Britain* called *England*; the lord president of the sessions for the time being, the lord justice general for the time being, the lord chief baron of the exchequer for the time being, the rector of the college of *Edinburgh* for the time being, in that part of *Great Britain* called *Scotland*; who, or any one of them, shall and have hereby full power and authority, from time to time, to send for, summon or call before him or them such bookseller or booksellers, printer or printers, and to examine and inquire of the reason of the dearness and enhancement of the price or value of such book or books by him or them so sold or exposed to sale; and if upon such inquiry and examination it shall be found, that the price of such book or books is enhanced, or anywise too high or unreasonable, then and in such case the said archbishop of *Canterbury*, lord chancellor or lord keeper, bishop of *London*, two chief justices, chief baron, vice-chancellors of the universities, in that part of *Great Britain* called *England*, and the said lord president of the sessions, lord justice general, lord chief baron, and rector of the college of *Edinburgh*, in that part of *Great Britain* called *Scotland*, or any one or more of them, so inquiring and examining, have hereby full power and authority to reform and redress the same, and to limit and settle the price of every such printed book and books, from time to time, according to the best of their judgments, and as to them shall seem just and reasonable; and in case of alteration of the rate or price from what was set or demanded by such bookseller or booksellers, printer or printers, to award and order such bookseller and booksellers, printer and printers, to pay all the costs and charges that the person or persons so complaining shall be put unto, by reason of such complaint, and of the causing such rate or price to be so limited and settled; all which shall be done by the said archbishop of *Canterbury*, lord chancellor or lord keeper, bishop of *London*, two chief justices, chief baron, vice-chancellors of the two universities, in that part of *Great Britain* called *England*, and the said lord president of the sessions, lord justice general, lord chief baron, and rector of the college of *Edinburgh*, in that part of *Great Britain* called *Scotland*, or any one of them, by writing under their hands and seals, and thereof public notice shall be forthwith given by the said bookseller or booksellers, printer or printers, by an advertisement in the *Gazette*; and if any bookseller or booksellers, printer or printers, shall after such settlement made of the said rate and price sell or expose to sale any book or books, at a higher or greater price than what shall have been so limited and settled as aforesaid, then and in every such case such

bookseller and booksellers, printer and printers, shall forfeit the sum of five pounds for every such book so by him, her or them sold or exposed to sale; one moiety thereof to the queen's most excellent majesty, her heirs and successors, and the other moiety to any person or persons that shall sue for the same, to be recovered with costs of suit, in any of her majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, in which no wager of law, essoin, privilege or protection, or more than one imparlance shall be allowed.

After 10th April nine copies of each book shall be delivered to the warehouse keeper of the company of stationers, for the use of the university libraries, &c.

V. Provided always, and it is hereby enacted, that nine copies of each book or books, upon the best paper, that from and after the said tenth day of *April* one thousand seven hundred and ten shall be printed and published as aforesaid, or reprinted and published with additions, shall, by the printer and printers thereof, be delivered to the warehouse keeper of the said company of stationers, for the time being, at the hall of the said company, before such publication made, for the use of the royal library, the libraries of the universities of *Oxford* and *Cambridge*, the libraries of the four universities in *Scotland*, the library of *Sion College* in *London*, and the library commonly called the library belonging to the faculty of advocates at *Edinburgh* respectively; which said warehouse keeper is hereby required, within ten days after demand by the keepers of the respective libraries, or any person or persons by them or any of them authorized to demand the said copy, to deliver the same, for the use of the aforesaid libraries; and if any proprietor, bookseller or printer, or the warehouse keeper of the said company of stationers, shall not observe the direction of this act therein, that then he and they so making default in not delivering the said printed copies as aforesaid, shall forfeit, besides the value of the said printed copies, the sum of five pounds for every copy not so delivered, as also the value of the said printed copy not so delivered; the same to be recovered by the queen's majesty, her heirs and successors, and by the chancellor, masters, and scholars of any of the said universities, and by the president and fellows of *Sion College*, and the said faculty of advocates at *Edinburgh*, with their full costs respectively.

Warehouse keeper to deliver the books ten days after demand. Penalty of proprietor, &c. not observing the directions of this act.

IX. Provided, that nothing in this act contained shall extend, or be construed to extend, either to prejudice or confirm any right that the said universities or any of them, or any person or persons have, or claim to have, to the printing or reprinting any book or copy already printed, or hereafter to be printed.

This act not to prejudice the right of the universities.

9 ANNE, CAP. 23, SECS. 50 & 52.—*An act for licensing and regulating hackney coaches and chairs; and for charging certain new duties upon stamped vellum, parchment, and paper, and on cards and dice, and on the exportation of rock salt for Ireland;*

Salvo for the universities;

L. Provided also, that nothing in this act contained shall extend, or be construed to extend, to prejudice any right the two universities of *Oxford* and *Cambridge*, or either of them, have, or claim to have, to the licensing any taverns, inns, or alehouses, within their several jurisdictions, but that the said universities may, from time to time, grant licences for any taverns, inns, and alehouses, within their several jurisdictions, subject to the several duties aforesaid, in as ample manner as they respectively might lawfully have granted

the same, if this act had never been made; any thing hereinbefore contained to the contrary thereof notwithstanding.

and for pro-
prietors in
printing al-
manacs.

LII. Provided, that nothing in this act contained shall extend, or be construed to extend, to prejudice any right of the two universities, or either of them, or the company of stationers, or any person or persons have, or claim to have, to the printing or reprinting any almanac or calendar subject to the several duties aforesaid.

10 ANNE, CAP. 19, SEC. 63.—*An act for laying several duties upon all soap, and paper made in Great Britain, or imported into the same: and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stamped vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements;*

Books print-
ed at Oxford
or Cambridge
in Latin,
Greek, Ori-
ental or
Northern
languages,
to have a
drawback of
the duty on
paper.

LXIII. Provided always, and be it enacted by the authority aforesaid, that for the encouragement of learning, so much money as shall, from time to time, be paid for the duties granted by this act, for any quantities of paper, which, during the continuance of the said duties, shall be used in the printing any books in the *Latin, Greek, Oriental, or Northern* languages, within the two universities of *Oxford and Cambridge*, or either of them, by permission of the vice-chancellors of the same respectively, shall and may be drawn back and repaid in manner following; that is to say, the chief manager of the press in each of the said universities, shall and may, from time to time, make proof by oath in writing before the vice-chancellor, (who is hereby empowered to administer the same) expressing therein the kinds and quantities of the paper so used, and how much the duties thereof, payable by this act, doth amount to; which said oath in writing being certified by the said vice-chancellor, and produced to the lord treasurer, or commissioners of the treasury for the time being, the said lord treasurer, or commissioners of the treasury for the time being, shall forthwith, from time to time, issue his or their orders or warrants to the respective commissioners, who by this act are to manage the duties upon paper, to cause payment to be made of so much money, as the duties payable by this act for the paper so used in the printing of the said books in the said universities, as aforesaid, shall amount to; the same payment to be made (without fee or charge whatsoever, and without delay) to such person or persons as the said respective vice-chancellors shall authorize and appoint to receive the same, out of any of the duties upon paper arising by this act; any thing in this act contained to the contrary notwithstanding.

12 ANNE, STAT. 1, CAP. 13.—*An act to enable such officers and soldiers as have been in her majesty's service, during the late war, to exercise trades, and for officers to account with their soldiers.* Neither this nor the 10 and 11 *William 3*, c. 11, shall prejudice the privileges of *Oxford and Cambridge*. EXP.

1 GEORGE 1, STAT. 2, CAP. 13, SEC. 12.—*An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors.*—See Title—"PROTESTANT SUCCESSION TO THE CROWN," vol. iv. p. 88.

2 GEORGE 2, CAP. 31, SEC. 8.—*An act for indemnifying persons who have omitted to qualify themselves for offices or employments within the time limited by law, and for allowing further time for that purpose; and for repealing so much of an act of parliament passed in the first year of his late majesty king George the first, as requires persons to qualify themselves for offices or employments within three months, and for limiting other times for such qualifications; as also for the repeal of so much of an act passed 30 Car. 2, as relates to the sworn servants of the king or queen's majesty.*—See Title—"PROTESTANT SUCCESSION TO THE CROWN," vol. iv. p. 97.

10 GEORGE 2, CAP. 19.—*An act for the more effectual preventing the unlawful playing of interludes within the precincts of the two universities, in that part of Great Britain called England, and the places adjacent; and for explaining and amending so much of an act passed in the last session of parliament, intituled an act for laying the duty upon the retailers of spirituous liquors, and for licensing the retailers thereof, as may affect the privilege of the said universities, with respect to licensing taverns, and all other public houses within the precincts of the same.*—Whereas the letters patent of king *Henry* the eighth, made and granted unto the chancellor and scholars of the university of *Oxford*, bearing date the first day of *April* in the fourteenth year of his reign; and the letters patent of queen *Elizabeth*, made and granted unto the chancellor, masters and scholars of the university of *Cambridge* bearing date the twenty-sixth day of *April* in the third year of her reign; and also all other letters patent by any of her progenitors or predecessors made to either of the corporated bodies of the said universities, and all manner of liberties, franchises, immunities, quietances and privileges, view of frank pledge, law days, and other things, whatsoever they were, the which either of the said corporated bodies of the said universities had, held, occupied or enjoyed, or of right ought to have had, used, occupied and enjoyed, were by authority of parliament in the thirteenth year of her reign, confirmed to the chancellor, masters and scholars of either of the said universities, and their successors, for the great love and favour that her said majesty bore towards her said universities, for the great zeal and care that the lords and commons had for the maintenance of good and godly literature, and the virtuous education of youth, within either of the said universities; and to the intent that the ancient privileges, liberties and franchises of either of the said universities, granted, ratified and confirmed by the queen's highness, and her most noble progenitors, might be had in greater estimation, and be of greater force and strength, for the better increase of learning, and the further suppressing of vice: and whereas doubts have arisen or may arise, whether by any of the said letters patent, liberties, franchises, immunities or privileges, or by any subsequent charter or charters, or by the laws and statutes of this realm, the chancellor of either of the said universities, or the vice-chancellor thereof, or his deputy, or any other person or persons be sufficiently empowered to correct, restrain or suppress common players of interludes, settled, residing or inhabiting within the precincts of either of the said universities, and not wandering abroad: and whereas the erection of any playhouse within the precincts of

Preamble.

Stage players acting within five miles of either university, to be treated as vagabonds, &c.

Act 7 Ed. 6,
c. 5.

12Car.2, c.25.

9 Anne, c.23.

either of the said universities, or places adjacent, may be attended with great inconveniences; may it please your most excellent majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all persons whatsoever who shall for gain in any playhouse, booth or otherwise, exhibit any stage play, interlude, shew, opera, or other theatrical or dramatical performance, or act any part, or assist therein, within the precincts of either of the said universities, or within five miles of the city of *Oxford*, or town of *Cambridge*, shall be deemed rogues and vagabonds; and that it shall and may be lawful to and for the chancellor of either of the said universities, or the vice-chancellor thereof, or his deputy respectively, to commit any such person to any house of correction within either of the counties of *Cambridge* or *Oxford* respectively, there to be kept to hard labour for the space of one month, or to the common gaol of the city or county of *Oxford*, or town or county of *Cambridge* respectively, there to remain without bail or mainprize for the like space of one month; any licence of the chancellor, masters and scholars of either of the said universities of *Oxford* or *Cambridge*, or any thing herein, or in any other statute, law, custom, charter or privilege, to the contrary notwithstanding.

II. And whereas by an act made in the seventh year of the reign of king *Edward* the sixth, which prohibits all persons not licensed according to the direction of the said act to sell wine by retail, and permits no more than three taverns or wine sellers in the city of *Oxford*, and four taverns or wine sellers in the town of *Cambridge*, it was provided, that the said act, or any thing therein contained, should not in anywise be prejudicial or hurtful to any of the universities of *Oxford* and *Cambridge*, or to the chancellor or scholars of the same, or their successors, or any of them, to impair or take away any of the liberties, privileges, franchises, jurisdictions, powers and authorities to them, or any of them, appertaining or belonging, but that they, and every of them, and their successors, might have, hold, use and enjoy, all their liberties, privileges, franchises, jurisdictions, powers and authorities, in such large and ample wise, as though the said act had never been made, so always, that there should not be any more or greater number of taverns kept or maintained within any of the said towns of *Oxford* or *Cambridge*, than might be lawfully kept and maintained by the provision, true meaning and intent of the said statute: and whereas by an act made in the twelfth year of the reign of king *Charles* the second, intituled *an act for the better ordering the selling of wines by retail, and for preventing abuses in the mingling, corrupting and viciating of wines, and for setting and limiting the prices of the same*, it was provided, that the said act, or any thing therein contained, should not in anywise be prejudicial to the privilege of the two universities of this land, or either of them, nor to the chancellors or scholars of the same, or their successors, but that they might use and enjoy such privileges as theretofore they had lawfully used and enjoyed: and whereas by an act made in the ninth year of the reign of queen *Anne*, for charging certain new duties on stamped vellum, parchment and paper, and for other purposes,

whereby, amongst other things, several duties therein expressed are directed to be paid for every piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed or written any licence for retailing of wine, or for selling of ale, beer, or other exciseable liquors by retail, it was provided, that nothing in the said act contained should extend, or be construed to extend, to prejudice any right the two universities of *Oxford* and *Cambridge*, or either of them had, or claimed to have, to the licensing any taverns, inns or alehouses, within their several jurisdictions, but that the said universities might, from time to time, grant licences for any taverns, inns and alehouses, within their several jurisdictions, subject to the several duties aforesaid, in as ample manner as they respectively might lawfully have granted the same, if the said act had never been made: and whereas by an act made in the twelfth year of the reign of her said majesty queen *Anne*, intituled *an act to enable such officers and soldiers as have been in her majesty's service during the late war, to exercise trades, and for officers to account with their soldiers*, it was provided, that neither the said act, nor an act made for the like purpose in the tenth and eleventh years of king *William* the third, should in anywise be prejudicial to the privileges of the universities of *Cambridge* and *Oxford*, or either of them, or extend to give liberty to any person to set up the trade of a vintner, or to sell any wine or other liquors within the said universities, without licence first had and obtained from the vice-chancellors of the same respectively: and whereas by an act made in the last session of parliament, intituled *an act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof*, it was enacted, that from and after the twenty-ninth day of *September* one thousand seven hundred and thirty-six, any person or persons who had followed and exercised the art or business of distillation for seven years then last past, or had served, or on the twenty-fifth day of *March* one thousand seven hundred and thirty-six, were serving any apprenticeship to the same, should and might have full liberty and authority to exercise or follow any other trade, art, business or manufacture in any city, town or place, within that part of *Britain* called *England*; any law, charter, grant, custom or usage to the contrary notwithstanding: and whereas since the making of the said last mentioned act, and under colour thereof, persons not licensed by the chancellor, masters and scholars of the said university of *Cambridge*, or by the chancellor or vice-chancellor of the said university of *Oxford*, have exercised and followed, or may exercise and follow, in the said city of *Oxford* and town of *Cambridge*, the trades of vintners or wine sellers, and much evil rule and disorder may be practised in taverns not so licensed, to the great annoyance of the said chancellors, masters and scholars, and corruption of the youth educated in the said universities; be it further enacted by the authority aforesaid, that from and after the twenty-ninth day of *September* one thousand seven hundred and thirty-seven, nothing in the said last mentioned act contained shall extend, or be construed to extend, to prejudice the right which the chancellor, masters and scholars of the said university of *Cambridge*, or the chancellor or vice-chancellor of the said university of *Oxford*, in the right of the said university of *Oxford* respectively,

12 Anne, st. 1,
c. 13.10 & 11 W. 3.
c. 11.

9 Geo. 2, c. 23.

Act 9 Geo. 3,
not to affect
the privi-
leges of the
universities.

claim of licensing taverns and other public houses within the precincts of either of the said universities; but that the said chancellor, masters and scholars of the said university of *Cambridge*, and the chancellor and vice-chancellor of the said university of *Oxford*, in right of the said university of *Oxford* respectively, shall and may use and enjoy the said right, as fully and freely as they might have used and enjoyed the same, if the said act had not been made; any thing in the said act contained to the contrary thereof in anywise notwithstanding.

Distillers.

and wine
sellers may
follow their
trades upon
taking out
licences.

III. Provided always, that all and every person and persons who have followed and exercised the art or business of distillation for seven years, before the twenty-ninth day of *September* one thousand seven hundred and thirty-six, or have served, or on the twenty-fifth day of *March* one thousand seven hundred and thirty-six, were serving any apprenticeship to the same, and who, since the said twenty-ninth day of *September* one thousand seven hundred and thirty-six, have exercised or followed in the said town of *Cambridge* the trades of vintners or wine sellers, without the licence of the chancellor, masters and scholars of the university *Cambridge*, shall have full liberty and authority to exercise or follow the said trades of vintners or wine sellers in the said town of *Cambridge*, so as they and every of them on or before the twenty-fourth day of *June* next following, take out such licences, paying their proportion for the same of the money usually and annually paid by the vintners or wine sellers now licensed by the said chancellor, masters and scholars, and upon such terms, and subject to such regulations, conditions, restrictions and power of revocation, as the said vintners or wine sellers so licensed as aforesaid are subject to; any thing in this act contained to the contrary notwithstanding.

No fee to be
taken for li-
cences.

IV. Provided always, and be it further enacted by the authority aforesaid, that it shall not be lawful for the said chancellor or vice-chancellor of the said university of *Oxford*, or any other officer of that body, to receive or take, directly or indirectly, any fee, perquisite, gratuity or reward, for granting such licences as aforesaid; nor shall any sum of money, fee, gratuity or reward be hereafter paid to any person or persons for or in respect of such licences, other than such annual payments in like manner, and to the like uses, as have been usual in the university of *Cambridge*; any law or custom to the contrary notwithstanding.

This act not
to affect the
privileges of
the city of
Oxford.

V. Provided always, that this act, or any thing herein contained, shall not in anywise be construed to prejudice or confirm any of the liberties, privileges, franchises, jurisdictions, powers and authorities appertaining or belonging to the mayor, bailiffs and commonalty of the city of *Oxford*, or to any of them, but that they and every of them, and their successors, may have, hold, use and enjoy, all their liberties, privileges, franchises, jurisdictions, powers and authorities, in such large and ample wise as though this present act had never been had or made.

Public act.

VI. And be it further enacted by the authority aforesaid, that this act shall be deemed a public act, and shall be judicially taken notice of as such by all judges, justices and other persons whatsoever, without specially pleading the same.

11 GEORGE 2, CAP. 17.—*An act for securing the estates of papists conforming to the protestant religion, against the disabilities created by several acts of parliament relating to papists; and for rendering more effectual the several acts of parliament made for vesting in the two universities in that part of Great Britain called England the presentations of benefices belonging to papists.*—See Title—"PAPISTS," vol. iii. p. 535.

12 GEORGE 2, CAP. 36, SEC. 3.—*An act for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; and for repealing so much of an act made in the eighth year of the reign of her late majesty queen Anne, as empowers the limiting the prices of books.*

III. Be it further enacted by the authority aforesaid, that so much of an act made in the eighth year of the reign of her late majesty queen Anne, intituled *an act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned*, whereby it is provided and enacted, that if any bookseller or booksellers, or printer or printers shall, after the said five and twentieth day of *March* one thousand seven hundred and ten, set a price upon, or sell, or expose to sale any book or books, at such a price or rate as shall be conceived by any person or persons to be high and unreasonable; it shall and may be lawful for any person or persons to make complaint thereof to the lord archbishop of *Canterbury* for the time being, the lord chancellor, or lord keeper of the great seal of *Great Britain* for the time being, the lord bishop of *London* for the time being, the lord chief justice of the court of queen's bench, the lord chief justice of the court of common pleas, the lord chief baron of the court of exchequer, for the time being, the vice-chancellors of the two universities for the time being, in that part of *Great Britain* called *England*, the lord president of the sessions for the time being, the lord justice general for the time being, the lord chief baron of the exchequer for the time being, the rector of the college of *Edinburgh* for the time being in that part of *Great Britain* called *Scotland*, who, or any one of them, shall, and have hereby full power and authority from time to time, to send for, summon, or call before him or them, such bookseller or booksellers, printer or printers, and to examine and inquire of the reason of the dearness and enhancement of the price or value of such book or books by him or them so sold, or exposed to sale; and if upon such inquiry and examination, it shall be found that the price of such book or books is enhanced, or any ways too high or unreasonable, then, and in such case, the said archbishop of *Canterbury*, lord chancellor, or lord keeper, bishop of *London*, two chief justices, chief baron, vice-chancellors of the universities in that part of *Great Britain* called *England*, and the said lord president of the sessions, lord justice general, lord chief baron, and rector of the college of *Edinburgh* in that part of *Great Britain* called *Scotland*, or any one or more of them, so inquiring and examining, have hereby full power and authority to reform and redress the same, and to limit and settle the price of every such printed book and books, from time to time, according to the best of their judgments, and as to them shall seem just and reasonable; and in

Clause in the
act 8 Anne,
c. 19, repeal-
ed.

case of alteration of the rate or price from what was set or demanded by such bookseller or booksellers, printer or printers, to award and order such bookseller and booksellers, printer and printers, to pay all the costs and charges that the person or persons so complaining shall be put unto by reason of such complaint, and of the causing such rate or price to be so limited and settled: all which shall be done by the said archbishop of *Canterbury*, lord chancellor, or lord keeper, bishop of *London*, two chief justices, chief baron, vice-chancellors of the two universities in that part of *Great Britain* called *England*, and the said lord president of the sessions, lord justice general, lord chief baron, and rector of the college of *Edinburgh* in that part of *Great Britain* called *Scotland*, or any one of them, by writing under their hands and seals, and thereof public notice shall be forthwith given by the said bookseller or booksellers, printer or printers, by an advertisement in the *Gazette*; and if any bookseller or booksellers, printer or printers, shall, after such settlement made of the said rate and price, sell, or expose to sale, any book or books at a higher or greater price than what shall have been so limited and settled as aforesaid; then, and in every such case, such bookseller and booksellers, printer and printers, shall forfeit the sum of five pounds for every such book so by him, her or them sold or exposed to sale, one moiety thereof to the queen's most excellent majesty, her heirs and successors, and the other moiety to any person or persons that shall sue for the same, to be recovered with costs of suit, in any of her majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, in which no wager of law, essoin, privilege or protection, or more than one imparlance shall be allowed; and every part of the said clause, shall be, and the same is hereby repealed.

17 GEORGE 2, CAP. 40, SECS. 11 & 12.—*An act to prevent the retailing of wine within either of the universities in that part of Great Britain called England without licence.*

Against selling wine without licence at either of the universities.

XI. Whereas divers persons have of late taken cellars, vaults or warehouses, within the university of *Oxford*, and the precincts thereof, in which they retail great quantities of wine, not having licence from the chancellor or vice-chancellor of the said university, in violation of the rights of the said university, and in prejudice of his majesty's revenues: and whereas the like offences may be committed within the university of *Cambridge*, and the precincts thereof, by persons selling wine by retail not being duly licensed by the said university: and whereas the acts of parliament relating to wine licences do not extend to the said universities; be it enacted by the authority aforesaid, that from and after the twenty-fourth day of *June* one thousand seven hundred and forty-four, no person or persons shall sell wine by retail, within either of the said universities, or the precincts of either of them, unless such person or persons shall be duly licensed or authorized so to do, by the chancellor or vice-chancellor, of the said university of *Oxford*, and by the chancellor, masters and scholars of the said university of *Cambridge* respectively, upon pain of forfeiting for every offence the sum of five pounds; one moiety thereof to the use of his majesty, his heirs and successors; and the other moiety to the informer; and that all

The penalty.

persons offending against this act, shall and may be prosecuted and proceeded against for the said forfeitures, in the courts of the chancellors or vice-chancellors of the said universities respectively, in a summary way, by summoning the party accused to appear in the said courts respectively; and on appearance, or contempt of the party accused, by not appearing, being duly summoned, and oath thereof made, such courts may examine the matter, and upon confession of the party accused, or on the oath of one credible witness, of such party's having offended against this act, such courts respectively shall and may give sentence against such party, and issue their warrant or warrants for levying the said forfeitures, by distress and sale of the goods of the party offending, rendering the overplus, if any, to the party on whom such distress shall be made; and for want of such distress, shall and may commit such offender or offenders to the house of correction, there to remain without bail or mainprize, for the space of one month; and such sentence or sentences, shall be, and are hereby declared to be taken and adjudged to be good, valid and effectual in the law; and that no writ of *certiorari*, or other process shall issue or be issuable to remove any such sentence from the said courts of the said chancellors or vice-chancellors respectively, or to remove any order or other proceedings made or taken by the said courts respectively, upon, touching or concerning any such sentence, into any of his majesty's courts of record at *Westminster*, until the party or parties against whom such sentence shall be given, before the allowance of such writ of *certiorari*, or other process, shall find two sufficient sureties, to become bound to the prosecutor or prosecutors of such offenders, in the sum of fifty pounds, with condition to prosecute the same with effect, within twelve months, and to pay unto the prosecutor or prosecutors his or their full costs and charges of the removal of such sentence, and the proceedings thereon, in case such sentence shall be affirmed; any law, statute, provision or usage to the contrary notwithstanding.

XII. Provided always, that this act, or any thing herein contained, shall not in any wise be construed to prejudice or confirm any of the liberties, privileges, franchises, jurisdictions, powers and authorities appertaining or belonging to the mayor, bailiffs and commonalty of the city of *Oxford*, or to any of them, but that they, and every of them, and their successors, may have, hold, use and enjoy all their liberties, privileges, franchises, jurisdictions, powers and authorities, in such large and ample wise, as though this present act had never been had or made.

This act not to affect the privileges of the mayor, &c. of Oxford.

30 GEORGE 2, CAP. 19, SEC. 9.—*An act for granting to his majesty several rates and duties upon indentures, leases, bonds and other deeds; and upon newspapers, advertisements and almanacs; and upon licences for retailing wine;*

IX. Provided always, that this act, or any thing herein contained, shall not in anywise be prejudicial to the privileges of the two universities in that part of *Great Britain* called *England*, or either of them, nor to the chancellors or scholars of the same, or their successors, but that they may use and enjoy such privileges as they have heretofore lawfully used and enjoyed; any thing herein contained to the contrary notwithstanding.

Privileges of the universities reserved to them.

32 GEORGE 2, CAP. 19, SEC. 4.—*An act to; and to preserve the privileges of the two universities in that part of Great Britain called England, with respect to licences for retailing wine.*

Privileges of
the two uni-
versities
reserved to
them.

IV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this or any former act of parliament, relating to wine licences, shall in anywise be prejudicial to the privileges of the two universities in that part of *Great Britain* called *England*, or either of them, or to the chancellors or scholars of the same, or their successors, but that they may use and enjoy such privileges as they have heretofore lawfully used and enjoyed; any thing to the contrary thereof in anywise notwithstanding.

Preamble.

15 GEORGE, 3 CAP. 53.—*An act for enabling the two universities in England, the four universities in Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copyright in books, given or bequeathed to the said universities and colleges for the advancement of useful learning and other purposes of education; and for amending so much of an act of the eighth year of the reign of queen Anne, as relates to the delivery of books to the warehouse keeper of the stationers' company, for the use of the several libraries therein mentioned.*—Whereas authors have heretofore bequeathed or given, and may hereafter bequeath or give, the copies of books composed by them, to or in trust for one of the two universities in that part of *Great Britain* called *England*, or to or in trust for some of the colleges or houses of learning within the same, or to or in trust for the four universities in *Scotland*, or to or in trust for the several colleges of *Eton, Westminster, and Winchester*, and in and by their several wills or other instruments of donation, have directed or may direct, that the profits arising from the printing and reprinting such books shall be applied or appropriated as a fund for the advancement of learning, and other beneficial purposes of education within the said universities and colleges aforesaid: and whereas such useful purposes will frequently be frustrated, unless the sole printing and reprinting of such books, the copies of which have been or shall be so bequeathed or given as aforesaid, be preserved and secured to the said universities, colleges, and houses of learning respectively, in perpetuity; may it therefore please your majesty that it may be enacted: and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said universities and colleges respectively shall, at their respective presses, have, for ever, the sole liberty of printing and reprinting all such books as shall at any time heretofore have been, or (having not been heretofore published or assigned) shall at any time hereafter be bequeathed, or otherwise given by the author or authors of the same respectively, or the representatives of such author or authors, to or in trust for the said universities, or to or in trust for any college or house of learning within the same, or to or in trust for the said four universities in *Scotland*, or to or in trust for the said colleges of *Eton, Westminster, and Winchester*, or any of them, for the purposes aforesaid, unless the same shall have been bequeathed or given, or shall hereafter be bequeathed or given, for any term of

Universities,
&c. in Eng-
land and
Scotland to
have, for
ever, the sole
right of
printing, &c.
such books
as have been,
or shall be,
bequeathed
to them, un-
less the same
have been, or
shall be,
given for a
limited time.

years, or other limited term; any law or usage to the contrary hereof in anywise notwithstanding.

II. And it is hereby further enacted, that if any bookseller, printer, or other person whatsoever, from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-five, shall print, reprint, or import, or cause to be printed, reprinted, or imported, any such book or books; or, knowing the same to be so printed or reprinted, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such book or books; then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets, being part of such book or books, to the university, college, or house of learning respectively, to whom the copy of such book or books shall have been bequeathed or given as aforesaid, who shall forthwith damask and make waste paper of them; and further, that every such offender or offenders shall forfeit one penny for every sheet which shall be found in his, her, or their custody, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the king's most excellent majesty, his heirs and successors, and the other moiety thereof to any person or persons who shall sue for the same; to be recovered in any of his majesty's courts of record at *Westminster*, or in the court of session in *Scotland*, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

After June 24, 1775, persons printing or selling such books shall forfeit the same, and also one penny for every sheet;

one moiety to his majesty, and the other to the prosecutor.

III. Provided nevertheless, that nothing in this act shall extend to grant any exclusive right otherwise than so long as the books or copies belonging to the said universities or colleges are printed only at their own printing presses within the said universities or colleges respectively, and for their sole benefit and advantage; and that if any university or college shall delegate, grant, lease, or sell their copyrights, or exclusive rights of printing the books hereby granted, or any part thereof, or shall allow, permit, or authorize any person or persons, or bodies corporate, to print or reprint the same, that then the privileges hereby granted are to become void and of no effect, in the same manner as if this act had not been made; but the said universities and colleges, as aforesaid, shall nevertheless have a right to sell such copies so bequeathed or given as aforesaid, in like manner as any author or authors now may do under the provisions of the statute of the eighth year of her majesty queen *Anne*.

Nothing in this act to extend to grant any exclusive right longer than such books are printed at the presses of the universities.

Universities may sell copyrights in like manner as any author.

IV. And whereas many persons may through ignorance offend against this act, unless some provision be made whereby the property of every such book as is intended by this act to be secured to the said universities, colleges, and houses of learning within the same, and to the said universities in *Scotland*, and to the respective colleges of *Eton*, *Westminster*, and *Winchester*, may be ascertained and known; be it therefore enacted by the authority aforesaid, that nothing in this act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties herein mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, unless the title to the copy of such book or books, which has or

No person subject to penalties for printing, &c. books already bequeathed, unless they be entered before June 24, 1775.

All books that may hereafter be bequeathed, must be entered within two months after such bequest shall be known. Sixpence to be paid for each entry in the register book, which may be inspected without fee. Clerk to give a certificate, being paid sixpence. If clerk refuse or neglect to make entry, &c. proprietor of such copyright to have like benefit as if such entry had been made, and the clerk shall forfeit £20.

Clause in 8 Anne recited.

have been already bequeathed or given to any of the said universities or colleges aforesaid, be entered in the register book of the company of stationers kept for that purpose, in such manner as hath been usual, on or before the twenty-fourth day of *June*, one thousand seven hundred and seventy-five; and of all and every such book or books as may or shall hereafter be bequeathed or given as aforesaid, be entered in such register within the space of two months after any such bequest or gift shall have come to the knowledge of the vice-chancellors of the said universities, or heads of houses and colleges of learning, or of the principal of any of the said four universities respectively; for every of which entries so to be made as aforesaid, the sum of sixpence shall be paid, and no more; which said register book shall and may, at all seasonable and convenient times, be referred to and inspected by any bookseller, printer, or other person, without any fee or reward; and the clerk of the said company of stationers shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding sixpence.

V. And be it further enacted, that if the clerk of the said company of stationers for the time being shall refuse or neglect to register or make such entry or entries, or to give such certificate, being thereunto required by the agent of either of the said universities or colleges aforesaid, lawfully authorized for that purpose, then either of the said universities or colleges aforesaid, being the proprietor of such copyright or copyrights as aforesaid (notice being first given of such refusal by advertisement in the *Gazette*) shall have the like benefit as if such entry or entries, certificate or certificates, had been duly made and given; and the clerk so refusing shall, for every such offence, forfeit twenty pounds to the proprietor or proprietors of every such copyright; to be recovered in any of his majesty's courts of record at *Westminster*, or in the court of session in *Scotland*, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, protection, or more than one imparlance, shall be allowed.

VI. And whereas in and by an act of parliament, made in the eighth year of the reign of her late majesty queen *Anne*, intituled *an act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies during the times therein mentioned*, it is enacted, that nine copies of each book or books, upon the best paper, that, from and after the tenth day of *April*, one thousand seven hundred and ten, should be printed and published, as therein mentioned, or reprinted and published with additions, shall, by the printer or printers thereof, be delivered to the warehouse keeper of the said company of stationers for the time being, at the hall of the said company, before such publication made, for the use of the royal library, the libraries of the universities of *Oxford* and *Cambridge*, the libraries of the four universities in *Scotland*, the library of *Sion College*, in *London*, and the library commonly called *the library belonging to the faculty of advocates in Edinburgh*, respectively; which such warehouse keeper was thereby required, within ten days after demand by the keepers of the respective libraries, or any person or persons by them, or any of them,

authorized to demand the said copy, to deliver the same for the use of the aforesaid libraries; and if any proprietor, bookseller, or printer, or the said warehouse keeper, of the said company of stationers, should not observe the direction of the said act therein, that then he and they so making default, in not delivering the said printed copies as aforesaid, should forfeit as therein mentioned: and whereas the said provision has not proved effectual, but the same hath been eluded by the entry only of the title to a single volume, or of some part of such book or books so printed and published, or reprinted and republished, as aforesaid; be it enacted by the authority aforesaid, that no person or persons whatsoever shall be subject to the penalties in the said act mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, without the consent mentioned in the said act, unless the title to the copy of the whole of such book, and every volume thereof, be entered, in manner directed by the said act, in the register book of the company of stationers, and unless nine such copies of the whole of such book or books, and every volume thereof printed and published, or reprinted or republished, as therein mentioned, shall be actually delivered to the warehouse keeper of the said company, as therein directed, for the several uses of the several libraries in the said act mentioned.

No person subject to penalties in the said act for printing, &c. any book unless the title to the copy of the whole be entered, &c.

VII. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, any thing in pursuance of this act, the defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict, or if the same shall be brought in the court of session in *Scotland*, a judgment be given for the defendant, or the plaintiff become nonsuited, and discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath.

Limitation of actions.

General issue.

VIII. And be it further enacted by the authority aforesaid, that this act shall be adjudged, deemed, and taken to be a public act; and shall be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

Public act.

21 GEORGE 3, CAP. 24, SEC. 40.—*An act for repealing the present duties upon paper, pasteboards, millboards, and scaleboards, made in Great Britain, and for granting other duties in lieu thereof.*

XL. Provided always, and be it enacted by the authority aforesaid, that, for the encouragement of learning, so much money as shall from time to time be paid for the duties granted by this act for any quantities of paper which shall be used in the printing any books in the *Latin*, *Greek*, oriental, or northern languages, within the two universities of *Oxford* and *Cambridge*, or either of them, by permission of the vice-chancellors of the same respectively, shall and may be drawn back and repaid in manner following; (that is to say), the chief manager of the press in each of the said universities, shall and may from time to time make proof by oath, in writing, before the vice-chancellor, who is hereby empowered to administer the same, expressing therein the kinds and quantities of the paper so used, and how much the duties thereof, payable by this act, doth

A drawback to be allowed the universities of Oxford and Cambridge for all books they shall print in Latin, Greek, &c.

amount to; which said oath in writing being certified by the vice-chancellor, and produced to the lord treasurer, or commissioners of the treasury for the time being, the said lord treasurer, or commissioners of the treasury for the time being, shall forthwith from time to time issue his or their orders or warrants to the respective commissioners who by this act are to manage the duties upon paper, to cause payment to be made of such money as the duties payable by this act for the paper so used in the printing of the said books in the said universities as aforesaid shall amount to, the same payment to be made, without fee or charge whatsoever, and without delay, to such person or persons as the said respective vice-chancellors shall authorize and appoint to receive the same, out of any of the duties upon paper arising by this act; any thing in this act contained to the contrary notwithstanding.

34 GEORGE 3, CAP. 20, SEC. 37.—*An act for repealing the duties on paper and for granting others in lieu thereof.*

Duties on paper used in printing Latin books, &c. in the universities of England, may be drawn back in the manner herein specified.

XXXVII. Provided always, and be it enacted by the authority aforesaid, that for the encouragement of learning, so much money as shall from time to time be paid for the duties of excise granted by this act for any quantities of paper which shall be used in the printing any books in the *Latin, Greek, Oriental, or Northern* languages, within the two universities of *Oxford* and *Cambridge*, or either of them, by permission of the vice-chancellors of the same respectively, shall and may be drawn back and repaid in manner following; (that is to say), the chief manager of the press in each of the said universities shall and may from time to time make proof, by oath in writing, before the vice-chancellor, who is hereby empowered to administer the same, expressing therein the kinds and quantities of the paper so used, and how much the excise duties thereof payable by this act doth amount to; which said oath in writing, certified by the vice-chancellor, and produced to the lord treasurer, or commissioners of the treasury for the time being, the said lord treasurer, or commissioners of the treasury for the time being, shall forthwith, from time to time, issue his or their orders or warrants to the respective commissioners of excise, to cause payment to be made of such money as the excise duties payable by this act for the paper so used in the printing of the said books in the said universities as aforesaid shall amount to; the same payment to be made without fee or charge whatsoever, and without delay, to such person or persons as the said respective vice-chancellors shall authorize and appoint to receive the same, out of any of the excise duties upon paper arising by this act; any thing in this act contained to the contrary notwithstanding.

56 GEORGE 3, CAP. 95.—*An act to authorize such person as his majesty shall appoint to transfer a certain sum in three pounds per cent. reduced annuities, now standing in the name of the dissolved college of Hertford, in the university of Oxford; and also to receive dividends due upon such annuities.*—Whereas by the laws in being, relative to the transfer of annuities transferable at the bank of *England*, books are directed to be kept by the accountant general of the governor and company of the bank of *England* for the time being, wherein all assignments or transfers of such annuities shall be

entered and registered, and such entries are to be conceived in proper words for that purpose, and to be signed by the parties making such transfers, or, if such party be absent, by his or their respective attorney or attornies thereunto lawfully authorized, in writing under his or their hand and seal, or hands and seals, to be attested by two or more credible witnesses; and it is also declared, that no other method of assigning and transferring such annuities shall be good or available in law: and whereas by an inquisition taken at the city of *Oxford*, on the fourth day of *May* last, by virtue of a commission under the great seal of *Great Britain*, it was (amongst other things) found that *Hertford College*, in the university of *Oxford*, on the twenty-eighth day of *June*, in the year one thousand eight hundred and five, became and was dissolved, and that the said dissolved college at the time of its dissolution was possessed of one thousand pounds capital stock in the three *per cent.* reduced bank annuities, standing in the names of the principal and fellows of *Hertford College, Oxford*, in the books of the governor and company of the bank of *England*; and that since the dissolution of the said dissolved college the dividends on the said sum of one thousand pounds three *per cent.* reduced bank annuities had been, and still were in arrear and unpaid; and that the said stocks, funds, monies and securities had escheated and devolved, and did then belong to his majesty, by virtue of his prerogative royal, and the same were, by the commissioners in the said commission named, seized into the hands of his majesty; but by reason of the laws aforesaid there are no means of making a transfer of such annuities, or of receiving the arrears of dividends due thereon, without the authority of parliament; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for his majesty, his heirs and successors, by warrant under his or their royal sign manual, to appoint and empower any person or persons to assign and transfer the said sum of one thousand pounds capital stock of three *per cent.* reduced annuities, into the name of any other person or persons, and also to receive all such dividends as are or shall be due and in arrear upon the said capital stock, and to give proper receipts and discharges for the same; and such person or persons so appointed and empowered as aforesaid may and shall, and he and they is and are hereby authorized to assign and transfer the said sum of one thousand pounds capital stock, now standing in the books of the governor and company of the bank of *England*, from the name of the principal and fellows of *Hertford College, Oxford*, into the name of any other person or persons; and also to receive and give proper receipts and discharges for all such dividends upon the said capital stock, as are or shall be due and in arrear: any law, usage or custom to the contrary notwithstanding.

His majesty may empower any person to transfer the £1000 three per cent reduced annuities now standing in the name of the dissolved college of Hertford, into the names of any other persons, and receive the dividends.

II. And be it further enacted, that the said governor and company of the bank of *England*, and their successors, shall be, and they are hereby held harmless and indemnified from and against all claims and demands of or by any person or persons, body or bodies politic or corporate, for or by reason or in consequence of the transfer of

Bank indemnified.

the said sum of one thousand pounds three *per cent.* reduced annuities, hereinbefore authorised and directed to be transferred, or in any manner respecting the same, or for or by reason or in consequence of the payment by the said governor and company of the bank of *England*, of the dividends hereinbefore directed to be received; and the said governor and company of the bank of *England* shall not be required to see to the application of the said dividends, nor be in any manner responsible for the misapplication or nonapplication thereof.

56 GEORGE 3, CAP. 136.—*An act to enable his majesty to grant certain lands, tenements and hereditaments, escheated and devolved to his majesty by the dissolution of Hertford College, in the university of Oxford, and the site of the said college and buildings thereon, to the chancellor, masters and scholars of the said university, in trust for the principal and other members of Magdalen Hall, for the purpose of their removing to such site; and to enable the said chancellor, masters and scholars of the said university, and the president and scholars of Saint Mary Magdalen College, to do all necessary acts for such removal.*—

Charter of incorporation of Hertford college, by letters patent, 5th Sep. 14 G. 2, recited.

Whereas his late majesty king *George* the second was graciously pleased by letters patent, under the great seal of *Great Britain*, bearing date at *Westminster*, the fifth day of *September*, in the fourteenth year of his said majesty's reign, to will and grant, that within *Hart Hall* in the university of *Oxford*, and within the bounds, circuits and precincts of the same in *Oxford*, and within the same university of *Oxford* and the liberties and precincts of the same, there should be from thenceforth for ever one perpetual college for students of divinity, the civil and canon law, physic and other good arts and languages; and that the same college, consisting of a principal, four senior fellows or tutors, and eight junior fellows or assistants, might be for ever called *Hertford College* in the university of *Oxford*; and further to will and grant, that the principal and fellows of the college and their successors for ever, should and might be one body corporate and politic by the name of the "principal and fellows of *Hertford College* in the university of *Oxford*:" and whereas the president and scholars of *Saint Mary Magdalen College* in the said university of *Oxford* are seized in fee of a certain piece of land, constituting part of the site of the said college called *Hertford College*, of which they granted a lease to the principal and fellows of the same college, bearing date the sixth day of *December* in the year one thousand seven hundred and ninety-six, for the term of forty years from the date thereof, under a reserved annual rent of three pounds fifteen shillings and one penny: and whereas the chancellor, masters and scholars of the said university, are seized in fee of certain pieces of land, constituting other part of the site of the said college called *Hertford College*, of which they granted a lease, bearing date the twenty-seventh day of *February* in the year one thousand seven hundred and ninety-eight, to the principal and fellows of *Hertford College*, to hold to them and their successors for the term of forty years from the feast of the Annunciation of the Blessed Virgin *Mary*, in the year one thousand seven hundred and ninety-seven, under the several yearly rents of ten shillings and one shilling and eight pence: and whereas the rector and fellows of *Exeter Col-*

Lease of lands, part of site of Hertford college, recited.

lege in the said university are entitled to an annual rent charge of one pound thirteen shillings and four pence, issuing and payable from and out of some part or parts of the site of the said college called *Hertford College*: and whereas two several commissions of escheat under the great seal of *Great Britain*, bearing date at *Westminster* the twenty-ninth day of *April* in the fifty sixth year of his present majesty's reign, lately issued, directed to certain commissioners therein named, authorizing and empowering them or any three or more of them to inquire, amongst other matters and things, whether at any time and when the said college called *Hertford College* had become and was dissolved, and whether the said college before and at the time of the dissolution thereof was seized in fee simple of or of any other and what estate, or possessed of any and what term or terms for years of and in divers and what messuages, lands, tenements and hereditaments, situate in the several counties of *Oxford* and *Berks*, and whether by reason of the dissolution thereof the same hereditaments, term and terms for years, had escheated and devolved to his majesty: and whereas by an inquisition indented and taken at the city of *Oxford* in the county of *Oxford* on the fourth day of *May* last, before three of the commissioners in the said commissions named, upon the oaths of twelve good and lawful men of the said county of *Oxford* in the said inquisition named, it was found that the said college called *Hertford College* in the university of *Oxford*, on the twenty-eighth day of *June* in the year one thousand eight hundred and five, became and was and is dissolved; and that the said dissolved college was at the time of the dissolution thereof seized in its demesne as of fee of and in a certain piece of land, containing by admeasurement one thousand nine hundred and eighty-two square yards (a little more or less); bounded on the west side thereof partly by a certain street called *Cat Street*, and partly by the land of one *James Stone* and one widow *Gillett*; and on the north side thereof partly by a certain street leading from a gate, anciently called *Smith's Gate*, to *New College*, and partly by the land hereinbefore and hereinafter mentioned, of the said chancellor, masters and scholars of the said university, and of the said president and scholars of the said college of *Saint Mary Magdalen* in the said university; and on the east side thereof partly by *New College Lane*, and partly by the stables of *New College*; and on the south side thereof by the land and buildings of *All Souls College*; together with all messuages, erections and buildings on the same piece of land erected, standing and being, situate in the parish of *Saint Peter in the East*, and the parish of *Saint Mary the Virgin*, in the city and county of *Oxford*; one parcel of which said first mentioned piece of land was found to be subject to the said rent of one pound thirteen shillings and fourpence payable yearly to the rector and fellows of *Exeter College*, and a certain other parcel of the said first mentioned piece of land to be subject to a certain rent of four-pence payable yearly to the dean and chapter of the cathedral church of *Christ* in *Oxford*, of the foundation of king *Henry* the eighth: and it was further found, that the said first mentioned piece of land was holden by the said dissolved college, at the time of its dissolution, of his majesty, in

Two commissioners of escheat to inquire whether *Hertford College* was dissolved, recited.

By inquisition dated 4th May, 1816, found that *Hertford College* became dissolved on 28th June 1805, and was at the time of such dissolution seized of certain lands described.

free and common socage in right of his royal crown, but not subject to any rents or services in respect thereof, except fealty; and it was further found, that the said dissolved college was at the time of its dissolution possessed of the said pieces of land, whereof the said chancellor, masters and scholars, and the said president and scholars respectively are so seized as aforesaid for the residue of the several terms before mentioned to have been granted by them respectively, together with all messuages, erections and buildings on the same pieces of land standing, erected and being: and it was further found, that the said messuages, lands, tenements and hereditaments, and terms for years, had escheated and devolved, and did then belong to his majesty by virtue of his prerogative royal; and the said commissioners had, in obedience to the said commission, seized the same into the hands of his majesty: and by an inquisition indented and taken at *Grandpound*, in the parish of *Saint Aldate*, in the county of *Berks*, on the said fourth day of *May*, before three of the commissioners in the said commissions named, upon the oaths of twelve good and lawful men of the said county of *Berks*, in the said last inquisition named it was found, that the said college called *Hertford College*, in the university of *Oxford*, on the said twenty-eighth day of *June* in the year one thousand eight hundred and five, became and was and is dissolved; and that the said dissolved college was at the time of the dissolution thereof seized in its demesne as of fee of and in fourteen acres and three rods by estimation of arable land, and one acre and a half of meadow ground, more or less, lying dispersed in the common fields and meadows of *North Morton* in the said county of *Berks*, with the appurtenances; and that the said lands and hereditaments were at the time of the dissolution of the said college held of his majesty by the said college in free and common socage, in right of his royal crown, but not subject to any rents or services in respect thereof except fealty, and had become escheated to his majesty by virtue of his prerogative royal; and the said commissioners had in obedience to the said commission seized the same into the hands of his majesty: and whereas the buildings of the said dissolved college having since the said dissolution thereof for the most part been unoccupied and neglected, the same have gone gradually into decay, and are in a very ruinous and dilapidated state, and there is no fund applicable to putting them into repair: and whereas *Magdalen Hall* is contiguous to *Saint Mary Magdalen College*, and there is an ancient school for the education of sixteen choristers of the same college, which forms part of the buildings of the said hall; and the freehold of the site of the said hall and school is vested in the said president and scholars of the said college: and whereas the said president and scholars are about to improve and considerably enlarge the buildings of *Magdalen College*, for which purpose they have caused plans to be drawn, which cannot be effectually carried into execution unless the said hall and school be taken down and removed, in which event they intend to erect or provide another school equally convenient to the college: and whereas the removal of the said hall and school being necessary to the completion of the intended improvements at *Magdalen College*, and if carried into effect being likely to conduce to the general improvement and

Proposal
that estab-
lishment of
Magdalen
Hall should

ornament of the university, the said president and scholars, with the concurrence and approbation of the principal of *Magdalen Hall*, and with the consent of the right honourable Lord Grenville, chancellor of the said university of *Oxford*, as visitor and patron of the said hall, on the twenty-fourth day of *May* in the year one thousand eight hundred and fifteen, proposed to the chancellor, masters and scholars of the university, in convocation assembled, to transfer the establishment of the said hall to the site of the said dissolved college of *Hertford*, the said president and scholars engaging to put the whole of the buildings thereof into a state of complete repair, to relinquish for the use of the principal and other members of *Magdalen Hall*, all the right and title of the said president and scholars to that part of *Hertford College* so as aforesaid held by lease under them, and to be at the sole expense of carrying the said arrangement into effect; which proposal was agreed to by the said chancellor, masters and scholars; but forasmuch as the several purposes aforesaid cannot be effected without the aid and authority of parliament: wherefore your majesty's most dutiful and loyal subjects, the president and scholars of *Saint Mary Magdalen College*, in the said university, and *John David Macbridge* doctor of laws, principal of *Magdalen Hall* aforesaid, do most humbly beseech your majesty, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the king's most excellent majesty, his heirs or successors, to grant the site of the said dissolved college, and all or any part of the said other lands, tenements and hereditaments, so escheated to his majesty as aforesaid, to the said chancellor, masters and scholars, and their successors, for ever, in trust for the use of the principal and other members for the time being of *Magdalen Hall* aforesaid, as and when to his majesty, his heirs or successors, shall seem meet, any law or statute to the contrary thereof notwithstanding.

be transferred to site of dissolved college of Hertford. recited.

His majesty to grant the site of dissolved college, &c. to chancellor, masters, &c. in trust for principal, &c. of Magdalen Hall.

II. And be it further enacted, that from and after the passing of this act, it shall and may be lawful to and for the president and scholars of *Saint Mary Magdalen College*, at their sole expense to engage and employ any builder, workmen and others, and for such persons when so engaged and employed to make and do all and every such alterations, reparations and improvements, in and to the several buildings, chambers and other parts of the said dissolved college, as may be necessary and suitable for the reception and comfortable occupation of the principal of *Magdalen Hall*, and other members thereof; and for that purpose to take down and rebuild, with like or other materials of as good a quality and in a substantial and workmanlike manner, such part or parts of the said dissolved college as in the judgment of the vice-chancellor and delegates of estates of the said university, cannot be well and effectually repaired.

President and scholars of Magdalen college may repair the dissolved college.

III. And whereas it is expedient that the ground and buildings now forming part of the said dissolved college, which are held by lease under the president and scholars of *Saint Mary Magdalen College*, may hereafter be permanently enjoyed by the principal and

Premises held by lease under Magdalen college to be permanently enjoyed by the principal and other members of Magdalen Hall.

other members of the said hall; be it therefore enacted, that it shall and may be lawful to and for the said president and scholars, and they are hereby authorized and empowered, without any consideration in money, to grant and convey the fee simple and inheritance of the said ground and buildings comprised in the said lease, with their appurtenances, unto and to the use of the chancellor, masters and scholars of the university of *Oxford*, and their successors for ever, freed and discharged from the said annual rent of three pounds fifteen shillings and one penny, or any other rent or charge whatever; upon trust for the principal and other members of the said hall for the time being, and to the intent that the same may become a competent part of the said hall, and be used and enjoyed accordingly.

When repaired, principal and other members of Magdalen Hall to remove to dissolved college of Hertford.

IV. And be it further enacted, that when and so soon as the said buildings, chambers and other parts of the said dissolved college, shall have been put into such a state of complete repair as shall be approved by the vice-chancellor and delegates of estates of the said university for the time being, and the said president and scholars of *Saint Mary Magdalen College* shall have made such grant and conveyance as hereinbefore mentioned, it shall and may be lawful to and for the then principal of the said hall, and for all and every the members thereof, and they and each and every of them are hereby required to surrender and give up the possession of the same hall and every part thereof, and to relinquish all right and title to the future occupation and enjoyment of the same, and of every part thereof, unto the said president and scholars of *Saint Mary Magdalen College*; and the said principal and other members of the said hall shall thenceforth remove to and become established at the said dissolved college, which shall from and after the same shall have been put into such repair as aforesaid, and taken possession of by the said principal and other members be called *Magdalen Hall in the university of Oxford*; and the said removed establishment of the said hall, shall, to all intents and purposes whatsoever, continue and be deemed, taken and reputed to be the same establishment, as if the same had continued at and had not been removed from the present and ancient site thereof.

Removal not to affect rights, &c. of principal and other members of the Hall, or of the said chancellor, masters and scholars.

V. And be it further enacted, that the said removal of the establishment of the said hall shall not in any respects or respect whatsoever, prejudice, diminish, vary, alter or affect the powers, immunities, advantages, rights and privileges, belonging or appertaining to the said hall, or to the present or any future principal, or any other members or member thereof, or belonging or appertaining to the chancellor, masters and scholars of the said university, in, over or otherwise touching or relating to the said hall, or to the present or any future principal or other members or member thereof; but from and after such removal of the establishment of the said hall, all and every the powers, immunities, advantages, rights and privileges whatsoever, belonging or appertaining to the said hall, or to the present or any future member or members thereof, or belonging or appertaining to the said chancellor, masters and scholars, in, over or otherwise touching or relating to the said hall, or to the present or any future principal, or other member or members thereof,

shall be and continue such and the same in all respects whatsoever, as if the removal of the establishment of the said hall had not taken place.

VI. And whereas the said chancellor, masters and scholars are desirous that the ground and buildings forming part of the said dissolved college, which are comprised in the hereinbefore mentioned indenture of lease of the twenty-seventh day of *February* one thousand seven hundred and ninety-eight may become a component part of the said intended hall, and be permanently enjoyed by the principal and other members thereof for the time being, freed and discharged from the said annual rents of ten shillings and one shilling and eight-pence: be it therefore further enacted, that it shall and may be lawful for the said chancellor, masters and scholars and their successors, and they are hereby authorized and empowered whenever they shall think proper, by any deed in writing under their common seal, to release and extinguish the said several annual rents of ten shillings and one shilling and eight-pence, and to declare by the same or by any other deed under their common seal, that they the said chancellor, masters and scholars and their successors for ever, shall stand seized of the said ground and buildings comprised in the said lease, in trust for the principal and other members of the said hall for the time being, freed and discharged from the said annual rents.

Chancellor, master and scholars of university empowered to release and extinguish certain annual rents.

VII. Provided always, and be it further enacted, that the president and scholars of *Saint Mary Magdalen College*, and their successors, shall yearly and every year, as and when the said yearly rent charge of one pound thirteen shillings and four-pence to the rector and fellows of *Exeter College* shall become payable, pay the same into the proper hands of the principal of the said hall for the time being, or unto such person or persons as may be authorized or entitled to receive the same, to the intent that the said rent charge of one pound thirteen shillings and four-pence may be regularly paid to the rector and fellows of *Exeter College*, and that the principal of the said hall may be indemnified in respect thereof.

President and scholars of Magdalen College to pay the rent charge of £1 13s. 4d. to Exeter College.

VIII. Provided always, and be it further enacted and declared, that nothing in this act contained shall prejudice the right, title, claim or entry of the rector and fellows of *Exeter College*, in respect of the said rent charge of one pound thirteen shillings and four-pence, so issuing and payable out of some part or parts of the said dissolved college; but on the contrary the said rector and fellows and their successors shall have, use, exercise and enjoy all powers and remedies for raising, recovering and obtaining payment of the same, in as full, ample and beneficial a manner as if this act had not passed.

Right of entry, &c. of Exeter College in respect of the rent charge of £1 13s. 4d. not to be affected.

IX. Provided always, and be it further enacted, that in case the said president and scholars and their successors shall at any time or times neglect or refuse to pay the said rent charge of one pound thirteen shillings and four-pence as and when the same shall become due and payable, it shall and may be lawful for the principal of the said hall for the time being, or for the person or persons entitled to such payment, to sue for and recover the same from the said president and scholars and their successors, in any of his majesty's courts of record at *Westminster*, by an action of debt for money paid.

Neglect or refusal to make before mentioned payments. Remedy.

After removal of principal, &c. of Magdalen Hall, to dissolved College, and a school provided, the hall, &c. may be taken down.

X. And be it further enacted, that immediately from and after the removal of the principal and other members of the said hall to the said dissolved college, and after a suitable school shall have been erected or provided for the said choristers, it shall and may be lawful to and for the president and scholars of *Saint Mary Magdalen College* to cause the said hall and the said school adjoining thereto, to be taken down, and to use or dispose of the materials thereof, in such manner as they may deem proper; and also to erect any buildings on the site thereof, or otherwise to enclose and annex the same to the said college, it being intended by this act that the site of the said hall and school shall for ever afterwards be united to and form part and parcel of *Saint Mary Magdalen College*.

Power given to chancellor masters and scholars of the university to purchase certain houses.

XI. And whereas the site and buildings of the said dissolved college may be greatly improved and made more ornamental, and the occupation of the same by its intended possessors rendered more convenient and desirable, if the front of the said dissolved college and also certain houses at the north and south ends thereof, with a house in the occupation of *Richard Paine* leading to *New College Lane* were taken down; and it is therefore expedient that power should be given for that purpose; be it therefore enacted, that it shall and may be lawful for the chancellor, masters and scholars of the said university, to treat and agree with the owners and occupiers of and with all other persons interested in the houses and other buildings and ground now in the several occupations of *Ann Bailey*, *Edward Hutton*, *Robert Bateman Herbert*, *Edward Leader*, *James Stone*, and *Dorothy Barker*, at the north and south ends of the front of the said dissolved college, and in the house, buildings and ground, now in the occupation of the said *Richard Paine*, leading to *New College Lane*, and in the schedule of this act more particularly described, for the purchase of the same, and to become seized and possessed thereof, without being subject or liable to any of the penalties or forfeitures of the statutes of mortmain, and to pay for the same out of any money that shall come to their hands for that purpose, either by subscription, or public or private donation or bequest; and that the monies to be paid for the purchase thereof shall be certified for payment by the said chancellor, masters and scholars, or by the delegates of estates of the said university, and shall be by them paid out of the monies which shall come to their hands for that purpose, to the person or persons, body or bodies politic, corporate or collegiate, entitled thereto; or shall be laid out and disposed of in the bank of *England*, in the manner by this act directed, as the case may be; and upon payment of the money required to be paid for the purchase of such houses and other buildings and ground, to the person or persons entitled thereto, or on depositing the same in the bank of *England* in manner by this act directed, as the case may require, such premises shall thereupon vest absolutely in the chancellor, masters and scholars of the said university, for the purposes of this act.

Bodies politic, &c. and persons under any disability, empowered to

XII. And be it further enacted, that it shall and may be lawful to and for all bodies politic, corporate or collegiate, and for all corporations, whether aggregate or sole, spiritual, eleemosynary or lay, and all feoffees in trust, executors, administrators, husbands, guar-

dians, committees of or for lunatics, and all other trustees whomsoever, not only for and on behalf of themselves, but also for and on behalf of their *cestuique* trusts respectively, whether infants or issue unborn, lunatics, idiots, femmes covert, or other person or persons under any disability of acting for himself, herself or themselves; and also to and for all femmes covert who are or shall be seized in their own right, and to and for all persons, whether tenants for life, in tail general or special, or for years determinable on any life or lives, and to and for all and every person and persons whomsoever who are or shall be seized, possessed of, or interested in any of the said houses and other buildings and ground mentioned and comprised in the said schedule hereunto annexed, to treat and agree with the said chancellor, masters and scholars, for the absolute sale thereof, or of any part or parts thereof, and to convey the same to the said chancellor, masters and scholars, and their successors, for the purposes mentioned in this act; and that all contracts, agreements, sales and conveyances which shall be so made by virtue and in pursuance of this act, shall, without any fine or fines, recovery or recoveries, be good, valid and effectual to all intents and purposes, not only to convey the estate and interest of the person or persons conveying or intending to convey the same, but also to convey all right, title, estate and interest, use, property, claim and demand whatsoever, of the several and respective *cestuique* trusts, and all other persons claiming or to claim by, from, or under them; any law, statute, usage or any other matter or thing whatsoever to the contrary thereof notwithstanding: and all bodies politic, corporate or collegiate, corporations aggregate or sole, spiritual, eleemosynary or lay, and all feoffees in trust, executors, administrators, husbands, guardians, committees, trustees and all other persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this act.

treat with
the chan-
cellor, mas-
ters and
scholars, for
sale of pre-
mises.

XIII. And be it further enacted, that if any money shall be agreed to be paid for any tenements or hereditaments purchased by virtue of the powers of this act for the purposes thereof, which shall belong to any corporation, feme covert, infant, lunatic or persons under any disability or incapacity, such money shall in case the same shall amount to or exceed the sum of two hundred pounds, with all convenient speed be paid into the bank of *England*, in the name and with the privity of the accountant general of the high court of chancery, to be placed to his account *ex parte* the chancellor, masters and scholars of the university of *Oxford*, to the intent that such money shall be applied under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to the rents and profits of the said lands, tenements or hereditaments, in the purchase of the land tax, or towards the discharge of any debt or debts or such other incumbrances or parts thereof as the said court shall authorize to be paid, affecting the same tenements or hereditaments, or affecting other tenements or hereditaments standing settled therewith, to the same or the like uses, intents or purposes; or where such money shall not be so applied, then the same shall be laid out

Application
of purchase
monies :

and invested under the like direction and approbation of the said court in the purchase of other lands, tenements or hereditaments, which shall be conveyed and settled to, for and upon such and the like uses, trusts, intents and purposes, and in the same manner as the tenements or hereditaments which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such purchase shall be made, the said money shall, by order of the said court of chancery, upon application thereto, be invested by the said accountant general in his name in the purchase of three pounds *per centum* consolidated, or three pounds *per centum* reduced bank annuities; and in the meantime and until the said bank annuities shall be ordered by the said court to be sold for the purposes aforesaid, the dividends and annual produce of the said consolidated or reduced bank annuities, shall from time to time be paid by order of the said court to the person or persons who would for the time being have been entitled to the rents and profits of the lands, tenements or hereditaments, so hereby directed to be purchased, in case such purchase or settlement were made.

Where less
than £200
and not un-
der £20.

XIV. Provided always, and be it further enacted, that if any money so agreed to be paid for any lands, tenements or hereditaments purchased, taken or used for the purposes aforesaid, and belonging to any corporation, or to any person or persons under any disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds, and shall amount to or exceed the sum of twenty pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the tenements or hereditaments so purchased, taken or used, or of his, her or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid into the bank in the name and with the privity of the said accountant general of the high court of chancery, and be placed to his account as aforesaid, in order to be applied in the manner hereinbefore directed; or otherwise the same shall be paid at the like option of two trustees, to be nominated by the person or persons making such option, and approved by the said chancellor, masters and scholars, such nomination and approbation to be signified in writing under the hands and seals of the nominating and approving parties respectively, in order that such principal monies and the dividends arising therefrom, may be applied in any manner hereinbefore directed, so far as the case be applicable, without obtaining, or being required to obtain, the direction or approbation of the said court of chancery.

Where less
than £20.

XV. Provided also, and be it further enacted, that when such money so agreed to be paid as last before mentioned shall be less than twenty pounds, then and in all such cases the same shall be applied to the use of the person or persons who would for the time being have been entitled to the rents and profits of the tenements or hereditaments so purchased; taken or used for the purposes of this act, in such manner as the said chancellor, masters and scholars shall think fit; or in case of infancy or lunacy, then to his, her or

their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

XVI. Provided always, and be it further enacted, that where any question shall arise touching the title of any corporation, or any person or persons, to any money to be paid into the bank of *England*, in the name and with the privity of the accountant general of the court of chancery, in pursuance of this act, for the purchase of any tenements or hereditaments, or of any estate, right or interest in any tenements or hereditaments as aforesaid, or to any bank annuities to be purchased with any such money, or the dividends or interest of any such bank annuities, the person or persons who shall have been in possession of such tenements or hereditaments at the time of such purchase, and all persons claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such tenements or hereditaments, according to such possession, until the contrary shall be shewn to the satisfaction of the said court of chancery; and the dividends or interest of the bank annuities to be purchased with such money, and also the capital of such bank annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such tenements or hereditaments, or to some estate or interest therein.

Proviso respecting disputed titles.

XVII. And be it further enacted, that when and so soon as full satisfaction shall have been made by any of the means aforesaid to all persons interested in such houses, buildings and ground, it shall and may be lawful for the said chancellor, masters and scholars, and they are hereby empowered to cause the same to be taken down, and to add so much of the site or ground thereof to the site of the said dissolved college as may be necessary for the intended improvements of the same, for the use and benefit of the principal and other members of *Magdalen Hall*, and shall and may sell and dispose of the remainder thereof, with the materials of the said houses and buildings, in such manner as the said chancellor, masters and scholars, or the said delegates of estates, shall think proper, and apply the produce thereof in the making the said improvements or repayment of any money expended therein.

Satisfaction being made, houses, &c. to be taken down.

XVIII. Provided also, and be it further enacted, that nothing in this act shall extend or be deemed or construed to extend to take away, diminish or impede the exercise of any privilege or right whatsoever of the said university, or of any of the magistrates, officers, ministers or servants thereunto belonging.

Proviso for privileges of university.

XIX. Saving always to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic, corporate or collegiate, and his and their heirs, successors, executors and administrators, (other than and except the said chancellor, masters and scholars of the said university, and the said president and scholars of *Saint Mary Magdalen College*, and the principal and other members of *Magdalen Hall*), all such estate, right, title and interest, as they, every or any of them, could or ought to have had or enjoyed, in case this act had not been made.

General saving.

The Schedule to which this Act refers.

OCCUPIERS.	DESCRIPTION.	OWNERS.
Ann Bailey	A Dwellinghouse	{ Thomas Preston, under a beneficial lease from the city of Oxford.
Edward Hutton	A Dwellinghouse	
Robert Bateman	A Dwellinghouse and small court yard.....	{ Edward Hutton, under a similar lease.
Herbert		
Edward Leader	Ditto.	Jane Vowles
{ James Stone.....	A Dwellinghouse, shop under Hertford College Library, and a small garden and court yard	{ Ditto.
Dorothy Barker	A Dwellinghouse and small court yard.....	James Stone.
Richard Paine.....	A small public house, and court yard	{ The Rev. Mr. Dere
		Edward Michlem, under a beneficial lease from the city of Oxford

1 & 2 GEORGE 4, CAP. 48.—*An act to amend the several acts for the regulation of attornies and solicitors.*—Whereas by an act passed 2 G. 2, c. 23, s. 5, in the second year of the reign of his late majesty king *George* the second, intituled *an act for the better regulation of attornies and solicitors*, it was among other things enacted, that from and after the time in the said act mentioned, no person should be permitted to act as an attorney or solicitor respectively, in any of the courts of law or equity in *England* in the said act mentioned, unless such person should have been bound by contract in writing to serve as a clerk for and during the space of five years to an attorney or solicitor respectively, duly and legally sworn and admitted, as in the said act is directed, in some or one of the courts of law or equity in *England* in the said act mentioned; and that such person for and during the said term of five years should have continued in such service: and 22 G. 2, c. 46, s. 8, whereas by an act passed in the twenty-second year of the reign of his said late majesty king *George* the second, for making further regulations (among other things) with respect to attornies and solicitors, it was enacted, that every person who should so have been bound to serve any attorney or solicitor should, during the whole time of such service, continue and be actually employed by such attorney or solicitor or his or their agent or agents, in the proper business, practice or employment of an attorney or solicitor; and also, that every person bound as a clerk as aforesaid, should, before being admitted an attorney or solicitor, cause an affidavit of himself, or of such attorney or solicitor to whom he was bound, to be duly made and filed, that he had actually and really served and been employed in manner aforesaid, during the said whole term of five years: and whereas by 7 G. 2. (I.) an act passed by the parliament of *Ireland* in the seventh year of the reign of his majesty king *George* the second, intituled *an act for the amendment of the law in relation to popish solicitors, and for remedying other mischiefs in relation to the practitioners in the several courts of law and equity*, it was enacted, that no person should be admitted an attorney, or licensed to be a solicitor, who should not have served an apprenticeship for the space of five years at least, to a six clerk

of the high court of chancery in *Ireland*, or to a six clerk of the high court of chancery in *England*, or to an attorney of one of the other courts in *Ireland*, or to an attorney or solicitor duly admitted or licensed in that kingdom, or in *England*: and whereas it may happen that persons who have taken or may take the degree of bachelor of arts or of law, in either of the universities of *Oxford* or *Cambridge*, or of *Dublin*, may afterwards be desirous of becoming attornies or solicitors, but may be deterred by the length of service required for that purpose by the said recited act; and it is expedient that the admission of such graduates should be facilitated, in consideration of the learning and abilities requisite for the taking such degree: and whereas it would tend to the better qualifying of persons to act as attornies and solicitors if part of the said service of five years were allowed to be performed in manner hereinafter mentioned; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, in case any person who shall have taken or who shall take the degree of bachelor of arts or bachelor of law, either in the university of *Oxford*, or in the university of *Cambridge*, or in the university of *Dublin*, shall, at any time after he shall have taken or shall take such degree, be bound by contract in writing to serve as a clerk, for and during the space of three years, to an attorney or to a solicitor, or to a six clerk duly and legally sworn and admitted, under the provisions and directions of the said recited acts of the second year and seventh year of the reign of king *George* the second, or of this act, or of any other act or acts in force for the regulation of attornies and solicitors, in some or one of the courts of law or equity in the said recited acts mentioned, and during the said term of three years shall continue in such service, and during the whole time of such three years' service, shall continue and be actually employed by such attorney or solicitor, or six clerk, or his or their agent or agents, in the proper business, practice or employment of an attorney or solicitor, and shall also cause an affidavit, or being one of the people called *Quakers*, a solemn affirmation of himself, or of such attorney or solicitor or six clerk to whom he was bound as aforesaid, to be duly made and filed, that he hath actually and really so served and been employed during the said whole term of three years, in like manner as is required by the said recited acts of the second year, and of the seventh year, and of the twenty-second year of the reign of king *George* the second, with respect to persons by the said acts required to serve for the term of five years, shall and may be qualified to be sworn, or to take his solemn affirmation, and to be admitted and enrolled as an attorney or solicitor respectively (according to the nature of his service) in the several and respective courts of law or equity, as fully and effectually to all intents and purposes, as any person having been bound and having served five years is qualified to be sworn or to take his solemn affirmation, and to be admitted or enrolled under or by virtue of the said recited acts, or any other act or acts for the regulation of attornies or solicitors in *England*; any thing in the said acts, or any of them, to the contrary in anywise notwithstanding.

Any person who has taken a degree at Oxford, Cambridge or Dublin, may act as an attorney or solicitor, or six clerk, after having served a clerkship of three years.

Persons bound for five years, and serving part of that time, not exceeding one year with a barrister or special pleader, may be admitted, on applying to a judge or other sufficient authority

II. And be it further enacted, that from and after the passing of this act, if any person who now is or hereafter shall be bound by contract in writing to serve as a clerk as aforesaid, for the space of five years in manner mentioned by the said recited acts, or any or either of them, or any other act now in force relating to the service of persons intended to be admitted as attornies or solicitors in *England* or *Ireland*, shall actually and *bonâ fide* be and continue as pupil to any practising barrister, or to any person *bonâ fide* practising as a certificated special pleader in *England* or *Ireland*, for any part or parts of the said term of five years, not exceeding one year, it shall be lawful for the judge or other sufficient authority to whom such person shall apply to be admitted as attorney or solicitor as aforesaid, upon affidavit or affirmation of such clerk, and of such barrister or special pleader, to be duly made and filed, and upon being satisfied that such person so applying for admission had actually and really been and continued with, and had been employed as pupil by such practising barrister or special pleader as aforesaid (but not otherwise), to admit such person as attorney or solicitor, in like manner as is now done in cases where the clerk has served part of the term of his clerkship with the agent of the person to whom he has been bound.

41 G. 3, U.K. c. 79, not to extend to the registrars or solicitors of the universities, &c.

III. And whereas an act was made in the forty-first year of the reign of his late majesty king *George* the third, intituled *an act for the better regulation of public notaries in England*; be it enacted, that nothing in the said act contained shall extend, or be construed to extend, to the registrars or solicitors of the universities of *Oxford* and *Cambridge* or to the steward or solicitors of any college or hall within the said universities or to the chapter clerk of any cathedral or collegiate church, acting only as such registrars, solicitors, stewards or chapter clerks.

This act to extend only to bachelors of arts who have taken their degrees within the periods here-in mentioned &c.

IV. Provided always, and be it enacted, that nothing in this act contained shall extend or be construed to extend, to any person who shall have taken or shall take such degree of bachelor of arts, unless such person shall have taken or shall take such degree within six years next after the day when such person shall have been or shall be first matriculated in the said universities respectively; nor to any person who shall take or shall have taken such degree of bachelor of law within eight years after such matriculation; nor to any person who shall be bound, by contract in writing, to serve as a clerk to any attorney, solicitor or six clerk, under the provisions of this act, unless such person shall be so bound within four years next after the day when such person shall have taken such degree.

Chancellor or vice-chancellor of universities may appoint constables.

6 GEORGE 4, CAP. 97.—*An act for the better preservation of the peace and good order in the universities of England*.—Whereas it is expedient to add to the means anciently provided for maintaining peace and good order in the universities of *Oxford* and *Cambridge*; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the chancellor or vice-chancellor of the said universities respectively, to appoint such number of able men as he shall think fit to be constables in and for the said universities respec-

tively, who shall continue in office either during good behaviour or during pleasure, or for such period of time, either defined or dependant on future circumstances, as such chancellor or vice-chancellor shall direct; and to every man so appointed such chancellor or vice-chancellor shall administer an oath well and faithfully to execute the office of constable, within the precincts of the university for which he shall be appointed, during his continuance in office, and shall deliver to every such men a certificate of his having been so sworn, expressing the duration of his continuance in office, which certificate shall be evidence of his having been duly appointed; and every man so sworn shall have full power to act as a constable within the precincts of the university for which he shall be appointed, and four miles of the same university for the time expressed in the certificate, unless he shall be sooner dismissed therefrom by the chancellor or the vice-chancellor for the time being; and shall, within the precincts of the university, and four miles of the same, and during his continuance in office, be subject to the like powers and authorities of his majesty's justices of the peace within the limits of their respective jurisdictions, as other constables are subject to, and have and enjoy all such powers and authorities, privileges, immunities and advantages as any constables hath or shall have within his constablewick: provided always, that every such constable, for any act done by him in the execution of his office, shall be liable to be sued or indicted in the courts of common law, notwithstanding such constable may be a member of the university, and notwithstanding any claim of cognizance or privilege whatsoever.

The power
of such con-
stables.

Liability of
constables to
be sued.

II. And be it further enacted, that in the absence of the chancellor and vice-chancellor, it shall be lawful for any pro-vice-chancellor or deputy vice-chancellor, to execute the powers given by this act.

In absence of
chancellor,
&c. deputy
may act.

III. And be it further enacted, that every common prostitute and night walker found wandering in any public walk, street or highway, within the precincts of the said university of *Oxford*, and not giving a satisfactory account of herself, shall be deemed an idle and disorderly person, within the true intent and meaning of an act passed in the last session of parliament, intituled *an act for the punishment of idle and disorderly persons, and rogues and vagabonds, in that part of Great Britain called England*, and shall and may be apprehended and dealt with accordingly.

Punishing
prostitutes
in the uni-
versity of
Oxford.

5 G. 4, c. 83.

IV. And be it further enacted, that this act shall be deemed to be a public act; and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without being specially pleaded.

Public act.

7 GEORGE 4, CAP. 44, SEC. 5.—*An act to allow, until the tenth day of October one thousand eight hundred and twenty-six, the enrolment of certain articles of clerkship; to prevent attornies and others from being prejudiced in certain cases by the neglect to take out their annual certificates; to prohibit the stamping articles of clerkship after a certain time; and to extend the period for taking out certificates after matriculation at the universities.*

V. Whereas by an act passed in the first and second years of the reign of his present majesty, intituled *an act to amend the several acts for the regulation of attornies and solicitors*, it was enacted that certain

1 & 2 G. 4,
c. 48, sec. 1.

Proviso for persons who have taken a degree at Oxford, Cambridge, or Dublin, previous to the passing of recited act, and have since duly served as a clerk for three years.

persons in the said act mentioned, who had taken certain degrees therein also mentioned at either of the universities of *Oxford*, *Cambridge* or *Dublin*, should, after a service of three years to a solicitor or attorney in the manner by the said act directed, be qualified to be admitted and enrolled an attorney or solicitor in the several courts of law or equity; provided such persons should have taken their degree of bachelor of arts within six years next after their matriculation at such universities, or bachelor of law within eight years after their matriculation at such universities: and whereas it is expedient that such proviso should not apply to such persons who had taken such degrees previous to the passing of the said act; be it enacted, that every person who shall have taken his degree of bachelor of arts or bachelor of law at either of the said universities, previous to the passing of the said recited act, and who since the passing thereof shall have duly served as a clerk, by contract in writing, duly stamped at or before the signing thereof, or within six months afterwards, to an attorney or solicitor, for the term of three years, as by the said recited act is directed, shall be qualified to be sworn and to be admitted and enrolled as an attorney or solicitor respectively, according to the nature of his service, in the several and respective superior courts of law or equity at *Westminster*, as fully and effectually, to all intents and purposes, as any person having been bound and having served five years, is qualified to be sworn and to be admitted or enrolled an attorney or solicitor under or by virtue of any act or acts now in force for the regulation of attornies or solicitors in *England*; any thing in the said acts or any of them to the contrary thereof in anywise notwithstanding.

9 GEORGE 4, CAP. 61, SEC. 36.—*An act to regulate the granting of licences to keepers of inns, alehouses, and victualling houses, in England.*

Act not to affect the two universities; nor to alter time of licensing in London;

XXXVI. Provided always, and be it further enacted, that nothing in this act contained shall extend to alter or in any manner to affect any of the rights or privileges of the universities of *Oxford* or *Cambridge*, or the powers of the chancellors or vice-chancellors of the same, as by law possessed under the respective charters of the said universities, or otherwise; or the master, wardens, freemen, and commonalty of the vintners of the city of *London*, but not to extend to those freemen of the said company of vintners who have obtained the same by redemption only; nor to alter the time of granting licences for keeping inns in the city of *London*: provided also, that nothing in this act contained shall alter any law relating to the revenue of excise, except so far as the same is hereby expressly altered and otherwise provided for; nor to prohibit any person from selling beer in booths or other places at the time and within the limits of the ground or place in or upon which is holden any lawful fair, in like manner as such person was authorized to do before the passing of this act.

nor any law of excise; nor to prohibit the sale of beer at fairs in certain cases.

2 WILLIAM 4, CAP. 45. SEC. 78.—*An act to amend the representation of the people in England and Wales.*

This act not to extend to universities of Oxford and Cambridge.

LXXVIII. Provided always, and be it enacted, that nothing in this act contained shall extend to or in anywise affect the election of members to serve in parliament for the universities of *Oxford* or *Cambridge*, or shall entitle any person to vote in the election of

members to serve in parliament for the city of *Oxford* or town of *Cambridge* in respect of the occupation of any chambers or premises in any of the colleges or halls of the universities of *Oxford* or *Cambridge*.

5 & 6 WILLIAM 4, CAP. 76, SEC. 137 & 138.—*An act to provide for the regulation of municipal corporations in England and Wales.*

CXXXVII. Be it enacted, that nothing in this act contained shall be construed to alter or affect the rights or privileges, duties or liabilities, of the chancellor, masters, and scholars of the universities of *Oxford* or *Cambridge* respectively, as by law possessed under the respective charters of the said universities or otherwise, or to entitle any person to be enrolled a citizen of the city of *Oxford* or burgess of the borough of *Cambridge*, by reason of his occupation of any rooms, chambers, or premises in any of the colleges or halls of the universities of *Oxford* or *Cambridge*, or either of them, or to compel any resident member of either of the said universities to accept any office in or under the body corporate of the mayor and citizens of the city of *Oxford*, or of the mayor and burgesses of the borough of *Cambridge*, or to authorize the levy of any rate within the precincts of the said universities, or of any of the colleges or halls of the same, which now by law cannot be levied therein.

Saving of the rights of the universities of Oxford and Cambridge.

CXXXVIII. And be it enacted, that all the jurisdictions and authorities now exercised in and over the precinct or close of any cathedral shall be continued, as if this act had not been passed, concurrently with the jurisdiction and authority of the justices of the peace of the borough within which such close is situated; and that nothing herein contained shall affect or interfere with the rights and privileges granted by charter or act of parliament to the university of *Durham*.

Not to affect jurisdiction over precincts of cathedrals, &c.

SPACE LEFT

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

UNIVERSITIES AND COLLEGES, IRELAND.

48 GEORGE 3, CAP. 145.—*An act to amend two acts, passed in Ireland, for the better education of persons professing the Roman catholic religion, and for the better government of the seminary established at Maynooth for the education of such persons, so far as relates to the purchase of lands and compounding suits.* (q. P.)—Trustees of the college empowered to compromise suits. Trustees also empowered to purchase lands, not exceeding one thousand pounds *per annum*, exclusive of premises held under lease from the duke of Leinster, and the buildings thereon. Irish acts.
35 G. 3, c. 21.
40 G. 3, c. 85.

1 & 2 GEORGE 4, CAP. 48.—*An act to amend the several acts for the regulation of attornies and solicitors.*—See Title—"UNIVERSITIES OF OXFORD, CAMBRIDGE, ETC.," vol. v. p. 390.

7 GEORGE 4, CAP. 44, SEC. 5.—*An act to allow, until the tenth day of October, one thousand eight hundred and twenty-six, the enrolment of certain articles of clerkship; to prevent attornies and others from being prejudiced in certain cases by the neglect to take out their annual certificates; to prohibit the stamping articles of clerkship after a certain time; and to extend the period for taking out certificates after matriculation at the universities.*—See Title—"UNIVERSITIES OF OXFORD, CAMBRIDGE, ETC.," vol. v. p. 393.

8 & 9 VICTORIA, CAP. 25.—*An act to amend two acts passed in Ireland for the better education of persons professing the Roman catholic religion, and for the better government of the college established at Maynooth for the education of such persons, and also an act passed in the parliament of the united kingdom for amending the said two acts.*—Whereas by an act passed in the parliament of Ireland in the thirty-fifth year of the reign of his late majesty king George the third, intituled *an act for the better education of persons professing the popish or Roman catholic religion*, it was amongst other things enacted, that the lord chancellor or lord keeper of Ireland, the lord chief justice of the court of king's bench in Ireland, the lord chief justice of the court of common pleas in Ireland, and the lord chief baron of the court of exchequer in Ireland, for the time being, together with certain other persons therein named, and the persons thereafter to be elected in the manner by the said act directed, should be trustees for the purpose of establishing, endowing, and maintaining one academy for the education only of persons professing the *Roman catholic religion*, and that the said trustees should have full power and authority to receive subscriptions and donations to enable them to establish and endow an academy for the education of persons professing the *Roman catholic religion*, and to purchase and acquire lands not exceeding the annual value of one thousand pounds, and to erect and maintain all such buildings as might be by the said trustees deemed necessary for the lodging and accommodation of the president, masters, professors, fellows, and students who should from time to time be admitted into or reside in said academy; and it was further 35 G. 3. (I.)

40 G. 3. (1.)

enacted, that it should and might be lawful for any popish ecclesiastic to officiate in a chapel or building to be appointed for that purpose by the said trustees or any seven or more of them, any law, statute, or provision to the contrary notwithstanding: and whereas by an act amending the said act, and passed in the parliament of *Ireland* in the fortieth year of his said late majesty king *George* the third, intituled *an act for the better government of the seminary established at Maynooth for the education of persons professing the Roman catholic religion; and for amending the laws now in force respecting the said seminary*, after reciting that a college or seminary had been established at *Maynooth* for the education of persons professing the popish or *Roman* catholic religion, and that large sums of money had been granted to the trustees named in the act hereinbefore recited, to enable them to improve and extend the said institution, and that it had become necessary to make further provision for the good government of the said college or seminary, it was amongst other things enacted, that the lord chancellor or lord keeper of the great seal, the lord chief justice of the court of king's bench, the lord chief justice of the court of common pleas, the chancellor of the exchequer, and the lord chief baron of the court of exchequer should cease to be trustees for carrying the said first recited act into execution, and that their successors in the said offices respectively should not thereafter be trustees by virtue of the said first recited act for carrying it into execution, and that the other persons named in the said first recited act in that behalf, or such other persons as had been elected or thereafter should be elected to fill any vacancy occasioned by the death, removal, or resignation of any such persons respectively, should continue trustees for the execution of the said first recited act, as fully and effectually, to all intents and purposes, as if the said act now in recital had not been enacted: and whereas

8 G. 3, c. 145.

by a certain other act, passed in the forty-eighth year of the reign of his said late majesty king *George* the third, intituled *an act to amend two acts passed in Ireland for the better education of persons professing the Roman catholic religion, and for the better government of the seminary established at Maynooth for the education of such persons, so far as relates to the purchase of lands and compounding suits*, it was amongst other things enacted, that it should be lawful for the trustees for the time being of the said college or academy, or any seven or more of them, to purchase or acquire lands not exceeding in value the annual sum of one thousand pounds, exclusive of the value of lands and premises held under a lease from *William Robert* late duke of *Leinster*, and the buildings thereon or thereafter to be erected, and used for the purposes of the said college or academy; and it was provided and further enacted, that any lands, tenements, or hereditaments already purchased or acquired under or by virtue of the power for that purpose given to the said trustees or any seven or more of them in and by the said hereinbefore first recited act should be deemed part of the lands which they were so authorized to purchase or acquire as aforesaid, and that no more lands, tenements, or hereditaments should be purchased or acquired by the said trustees or any seven or more of them than what, together with any lands already purchased or acquired by them, would amount to the

annual value of one thousand pounds: and whereas it is productive of inconvenience and insecurity that the said trustees can take no effectual grants of lands for the purposes of the said college or seminary to them and their successors; and it is therefore expedient that the said trustees should be incorporated: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the trustees of the said college or seminary, and their successors for ever, shall be one body politic and corporate by the name of "the trustees of the college of *Maynooth*," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have and possess the several powers and authorities vested in the said trustees under the said recited acts.

Trustees of the college of Maynooth incorporated

II. And be it enacted, that the said body politic and corporate, and their successors, by the said name, shall be for ever able and capable in law to take, purchase, receive, possess, hold, and enjoy to them and their successors any goods or chattels or personal property whatsoever, and also be able and capable in law (notwithstanding the statutes in mortmain) to take, purchase, hold, and enjoy to them and their successors any messuages, lands, tenements, or hereditaments whatsoever the yearly value of which shall not exceed in the whole the sum of three thousand pounds, exclusive of the value of any lands, tenements, or hereditaments already purchased or acquired by the said trustees; and it shall be lawful for all and every person and persons, and bodies politic and corporate, otherwise competent, to grant, sell, alien, and convey in mortmain unto and to the use of the said body politic and corporate incorporated by this act any messuages, lands, tenements, and hereditaments not exceeding in the whole such annual value as aforesaid.

Such corporate body may take and possess any personal property, and also lands not exceeding the annual value of £3,000, exclusive of the property already acquired by the trustees.

III. And be it enacted, that all lands, tenements, or hereditaments which have been at any time heretofore purchased or in any manner acquired by the trustees of the said college, or any seven or more of them, under or by virtue of the powers for that purpose given to them by any of the said hereinbefore recited acts, shall be and the same are thereby vested in the said body politic and corporate incorporated by this act, subject to the trusts upon which the said lands, tenements, and hereditaments are now respectively held.

Lands, &c. now possessed by the trustees of Maynooth College to vest in the said body politic and corporate.

IV. And whereas it is expedient that provision should be made for the payment of the salaries of the president, vice-president, officers, and professors of the said college, and for the expense of commons, attendance, and other necessities to be supplied to and for their use, and that the number of professors therein should be increased; be it therefore enacted, that from and after the passing of this act there shall be paid and payable to the said body politic and corporate, for the purposes aforesaid, any sum or sums of money not exceeding in the whole the annual sum of six thousand pounds.

Provision made for salaries of the president, vice-president, officers, and professors, and for an increased number of professors.

V. And whereas by the statutes of the said college there has been established therein an order of students called "senior students," amounting to twenty in number, to whose exclusive benefit has been applied the annual revenue arising from the bequest of baron *Dunboyne*, in said statutes mentioned, together with a further yearly sum

Provision for the senior students on the Dunboyne establishment.

of seven hundred pounds out of the annual parliamentary grant made to the said college: and whereas it is expedient that the provision for the said senior students on the *Dunboyne* establishment should be augmented; be it therefore enacted, that from and after the passing of this act, so long as the annual revenue arising from the said bequest of baron *Dunboyne* shall be applied to the exclusive benefit of the said twenty senior students, there shall be paid and payable to the said body politic and corporate, for the said twenty senior students, the annual sums for that purpose specified in the schedule (A.) to this act annexed.

Provision made for 500 free students 250 in the three senior classes, and 250 in the four junior classes.

VI. And whereas there are three senior and four junior classes in the said college, and two hundred and fifty free students on the establishment, maintained and educated out of the annual parliamentary grant made to the said college: and whereas it is expedient that provision should be made for an additional number of free students; (that is to say), for two hundred and fifty free students in the said three senior classes, and two hundred and fifty free students in the said four junior classes; be it therefore enacted, that from and after the passing of this act there shall be paid and payable to the said body politic and corporate, for each of the said two hundred and fifty free students in the said three senior classes, the annual sums for that purpose specified in the schedule (A.) to this act annexed.

Provision for the expense of commons and other necessities.

VII. And be it enacted, that in order to provide for the expense of commons, attendance, and other necessities to be supplied to and for the use of the said senior students on the *Dunboyne* establishment, and to and for the use of the said five hundred free students, there shall be paid and payable to the said body politic and corporate, for the purposes aforesaid, any sum or sums of money not exceeding in the whole the annual sum of twenty-eight pounds for each such student.

Commissioners of public works to be commissioners for repairs to Maynooth College, and for the erection of additional buildings and furnishing the same.

VIII. And whereas the buildings for the public purposes of the said college, and for the lodging and accommodation of the professors and students, are inadequate and insufficient and out of repair, and it is expedient that provision should be made for the erection of additional buildings for the purposes aforesaid, and that the present buildings should be put into sufficient repair, and that said buildings, together with the additions to be made thereto, should from time to time be kept in repair, and provided with sufficient and necessary furniture; be it therefore enacted, that the commissioners of public works in *Ireland* for the time being shall be and they are thereby constituted commissioners for the purpose of purchasing, renting, or providing, as hereinafter mentioned, any houses, buildings, lands, tenements, or hereditaments that may be necessary for the said college and the purposes aforesaid, and for erecting thereon suitable and necessary buildings and improvements, and for enlarging, improving, upholding, maintaining, repairing, fitting up, and furnishing from time to time the said college, and the buildings and premises occupied therewith.

Power to commissioners of public works to purchase or

IX. And be it enacted, that in order to enable the said commissioners of public works in *Ireland* to purchase and provide the buildings, lands, tenements, or hereditaments which may be required

for the said college, and the additions to be made thereto, it shall and may be lawful for the said commissioners, at the request of the said body politic and corporate, and by and with the consent and approbation in writing of the commissioners of her majesty's treasury, to contract and agree with any person or persons, or body or bodies corporate or politic, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such college, and in order to make the necessary additions thereto, and also for the purchase of any subsisting leases, terms, estates, or interests therein or charges thereon; and the said buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to the said trustees of the college of *Maynooth*, incorporated by this act.

provide
necessary
buildings,
lands, &c.

X. And be it enacted, that all and every the expense of purchasing or providing the houses, buildings, lands, tenements, or hereditaments necessary for the said college under the provisions of this act, and of erecting the necessary buildings for the same, and of putting the said college into repair, and of fitting up and furnishing the same and the buildings so to be erected, not exceeding in the whole the sum of thirty thousand pounds, shall be discharged and paid by the commissioners of her majesty's treasury out of the consolidated fund of the united kingdom of *Great Britain and Ireland*.

The expense
of buildings,
&c. for such
college, not
exceeding
£30,000, to
be paid out
of the conso-
lidated fund.

XI. And be it enacted, that the several sums payable by this act and the schedule thereto annexed shall be charged upon and payable by the commissioners of her majesty's treasury out of the consolidated fund of the united kingdom of *Great Britain and Ireland*.

Sums pay-
able by this
act to be
charged on
the consoli-
dated fund.

XII. And be it enacted, that the accounts of the receipt and expenditure of all monies paid under the provisions of this act shall once in each year be forwarded to the commissioners of her majesty's treasury by the said body politic and corporate incorporated by this act, and shall be by the said commissioners referred for audit to such person or persons as the said commissioners shall from time to time in that behalf appoint; and that the said person or persons so appointed shall thereupon proceed to the examination, audit, and discharge of the said accounts, at such time and in such manner as the said commissioners shall direct, and shall for that purpose have and exercise all the powers and authorities now possessed by the commissioners for auditing public accounts by virtue of any act or acts now in force.

Audit of the
expenditure
under this
act.

XIII. And whereas it was enacted by the said act secondly above recited, that the lord chancellor or lord keeper of the great seal of *Ireland* for the time being, the lord chief justice of his majesty's court of king's bench in *Ireland* for the time being, the lord chief justice of his majesty's court of common pleas in *Ireland* for the time being, the chancellor of the exchequer and the lord chief baron of his majesty's court of exchequer in *Ireland* for the time being, and their successors in the said offices respectively, together with certain other persons in the said act named, should be and they were thereby nominated and appointed visitors of the said college or seminary, with full visitorial powers to superintend the same; be it enacted, that from and after the passing of this act so much of the said recited acts as enacts that the lord chancellor or lord keeper of

So much of
the recited
acts as ap-
points the
persons
herein men-
tioned to be
visitors of
the college
repealed.

the great seal, the lord chief justice of the court of king's bench, the lord chief justice of the court of common pleas, the chancellor of the exchequer, and the lord chief baron of the exchequer, and their successors in the said offices respectively, shall have visitorial power over the said academy or college, and over all persons on the foundation or educated therein, shall be and the same is hereby repealed.

Appoint-
ment of visi-
tors of the
college.

XIV. And be it enacted, that the other visitors in being at the time of the passing of this act, or such other persons as shall hereafter be elected to fill any vacancy on the death or resignation of such visitors, according to the provisions of the act hereinbefore secondly recited, together with such other five persons as her majesty shall by warrant under the sign manual from time to time nominate and appoint, shall be hereafter the visitors of the said college and corporation.

Visitations
to be held
once in the
year.

XV. And whereas by the said act hereinbefore secondly recited it is amongst other things enacted, that the visitors in the said act mentioned, or any three or more of them, should once in every three years from the passing of the said act visit the said college or seminary, and call before them the president, vice-president, professors, tutors, and all other members thereof, and the officers and servants of the said college or seminary, and diligently inquire into the government and management of the said college or seminary, and, if necessary, examine on oath every member thereof in all matters touching the management, government, and discipline of the same, or any violation of the statutes or ordinances which had been or should be made for the admission of any member of the said college or seminary, or for the government or discipline of the same; and that the first visitation of the said college should be held as aforesaid within twelve months after the passing of the said act: and whereas it is expedient that, instead of triennial visitations by the said last recited act appointed, visitations should be held not less than once in each year therein; be it therefore enacted, that the visitors by this act appointed, or any three or more of them, shall once in every year from the passing of this act visit the said college or seminary, and inquire in manner aforesaid into the management, government, and discipline of the same, and shall have the several powers and authorities vested in the visitors under the said act secondly hereinbefore recited; and that the first visitation of the said college shall be held within twelve months after the passing of this act.

Additional
visitations,
when order-
ed by the
lord lieute-
nant.

XVI. And be it enacted, that, in addition to such periodical or ordinary visitation, the visitors by this act appointed, or any three of them, shall in like manner visit the said college whensoever and so often as they shall be thereunto required by the lord lieutenant or other chief governor or governors of *Ireland* for the time being, by warrant or order signed by him or them.

Authority of
visitors not
to affect the
exercise of
the Roman
catholic re-
ligion.

XVII. Provided always, and be it enacted, that the authority of the said visitors shall not extend to or in any manner affect the exercise of the *Roman* catholic religion or the religious doctrine or discipline thereof within the said college or seminary, otherwise than as hereinafter is provided; and that in visiting the said college or seminary the said visitors shall judge and determine according to

such bye laws, rules, and regulations as have been or shall be made for the government and discipline thereof, pursuant to the provisions of the said recited acts or of this act respectively.

XVIII. And whereas by the said act hereinbefore secondly recited it is amongst other things enacted, that in all matters which relate to the exercise, doctrine, and discipline of the *Roman* catholic religion the visitorial power over the said college shall be exercised exclusively by such of the said visitors as are or shall be of the *Roman* catholic religion, in the presence of the lord chancellor or lord keeper of the great seal, and of the three chief judges, and the chancellor of the exchequer, if they or any of them shall think proper to attend; be it therefore enacted, that in all matters which relate to the exercise, doctrine, and discipline of the *Roman* catholic religion the visitorial power over the said college shall be exercised exclusively by such of the said visitors of the *Roman* catholic religion as have been or shall be elected under the provisions of the said act secondly above recited, in the presence of the said persons whom her majesty shall, by warrant under the sign manual, from time to time nominate and appoint as aforesaid to be visitors of the said college, if they or any of them shall think proper to attend.

Visitorial powers in matters of religion.

XIX. And be it enacted, that the secretary or some other officer of the said college shall make minutes of the proceedings of the said visitors at their several visitations, and shall keep a book in which he shall enter a fair copy of such minutes, and the names of the visitors present at each visitation; and the said visitors shall after every visitation held at the said college report to her majesty the several proceedings held thereat, signed by some two or more of them; and a copy of such report shall be communicated to both houses of parliament within six weeks after the same shall be made, if parliament be then sitting, or if not then within six weeks next after the next meeting of parliament.

Minutes of the proceedings of visitors to be kept.

XX. And be it enacted, that this act may be amended or repealed by any act to be passed during this present session of parliament.

Alteration of the act.

Schedule to which this Act refers.

SCHEDULE (A.)

		Annual Stipends.	
		£	s.
20	Senior Students on the <i>Dunboyne</i> establishment, each	40	0
250	Free students in the three senior classes ... each	20	0

8 & 9 VICTORIA, CAP. 66.—*An act to enable her majesty to endow new colleges for the advancement of learning in Ireland.*—For the better advancement of learning among all classes of her majesty's subjects in *Ireland*, be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in case her majesty shall be pleased by letters patent under the great seal of *Ireland* to found one or more new colleges for the advancement of learning in *Ireland*, the commissioners of her majesty's treasury of

Grant of £100,000 out of the consolidated fund for building new colleges in Ireland.

the united kingdom of *Great Britain* and *Ireland* for the time being shall be empowered, by warrant under the hands of any three or more of them, to charge the consolidated fund of the said united kingdom (after providing for all preceding charges, and in preference to all future charges), and to direct to be issued or paid thereout, such sum of money as shall be needed by the trustees hereinafter mentioned for purchasing or providing lands, tenements, and hereditaments for the use of such college or colleges, and for the necessary buildings, with the appurtenances thereof, and for establishing and furnishing the same, not exceeding the sum of one hundred thousand pounds in the whole.

Commissioners of public works to be trustees for providing buildings and lands necessary for the colleges,

II. And be it enacted, that the commissioners of public works in *Ireland* for the time being shall be trustees for the purpose of purchasing or providing, as hereinafter mentioned, any buildings, lands, tenements, or hereditaments that may be necessary for the said colleges and the sites thereof, and the premises to be occupied therewith respectively, and for erecting thereon suitable buildings, and for repairing, enlarging, and improving the same from time to time, and for upholding and furnishing the same from time to time, for the use of the said colleges respectively.

Commissioners of public works to be a corporation for the purposes of this act.

III. And be it enacted, that for the purposes of this act the said commissioners of public works in *Ireland* for the time being, and their successors, shall be a corporation by the name or style of "The commissioners of public works in *Ireland*," and by that name, for the purposes of this act, shall have perpetual succession and a common seal, to be by them made, and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts and before all justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this act.

Power to commissioners of public works to purchase or rent buildings, lands, &c. which may be required for said colleges.

IV. And be it enacted, that in order to enable the said commissioners of public works in *Ireland* to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for the said colleges and the sites thereof, it shall be lawful for the said commissioners, with the approval of the commissioners of her majesty's treasury, to contract and agree with any person or persons, or body or bodies corporate, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for such colleges or the sites thereof, and also for the purchase of any subsisting leases, terms, estates, or interests therein or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for her majesty, her heirs and successors, in such manner and form as the said commissioners of her majesty's treasury shall direct.

Consolidation of lands clauses consolidation act with this act.

V. And be it enacted, that the "lands clauses consolidation act, 1845," shall be incorporated with this act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement: provided always, that all things by the said act required or authorized to be done by the promoters of the undertaking may be done by any two of the commissioners of public works in *Ireland*, subject to the approval of the commissioners of her majesty's treasury in the cases provided by this act.

VI. And be it enacted, that it shall be lawful for the said commissioners of public works, if they shall be so directed by the commissioners of her majesty's treasury, to employ the county surveyor, or any other competent surveyor or architect, to make a survey and estimate of any of the said proposed works, and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the commissioners of her majesty's treasury for their approval; and if the said commissioners of her majesty's treasury shall think fit to authorize the work in any such plan, section, or specification, or any modification thereof which they may think proper, to be undertaken, they shall, by warrant under their hands, direct the said commissioners of public works to execute such work at and for an amount not exceeding a sum to be specified in such warrant; and the said commissioners of public works shall, upon receipt of such warrant, forthwith cause the construction of the work mentioned therein to be proceeded with.

Commissioners of public works to obtain surveys, plans, and specifications, and submit same to treasury.

VII. And be it enacted, that the said commissioners of public works shall cause detailed accounts in writing of their proceedings under this act, of the several sums received by them as such commissioners for the purposes of this act, and of the sums expended by them for such purposes, and the mode of such expenditure, and the several works made or in progress under this act, to be made up to the thirty-first day of *December* in each year; and such accounts shall be laid before both houses of parliament within six weeks thereafter, if parliament be then sitting, or if not, then within six weeks after the first meeting of parliament subsequent to the thirty-first day of *December*; and the said commissioners shall, as often as they shall be required so to do by the commissioners of her majesty's treasury, transmit to the said commissioners of the treasury like accounts made up to such period as the said commissioners of the treasury shall direct; and it shall be lawful for the said commissioners of her majesty's treasury to give such directions as they shall think proper, defining the duties of the said commissioners of public works in the execution of this act; and the said commissioners of public works shall observe all such directions as aforesaid which shall from time to time be signified to them by the said commissioners of her majesty's treasury.

Commissioners of public works to lay accounts before parliament.

VIII. And be it enacted, that the several enactments contained in an act passed in the second year of the reign of his late majesty, intituled *an act for the extension and promotion of public works in Ireland*, which affect or relate to any action or suit to be commenced against the commissioners for the execution of the last recited act, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of the last recited act, or any proceedings in any such action or suit, or any limitation of time for the commencing thereof, or any costs thereof, or any evidence to be given therein, or any notice of action or suit or satisfaction or tender thereof, or any action or suit to be commenced by the said commissioners, or any proceedings therein, or the said commissioners suing or being sued in the name of their secretary, or any abatement or discontinuance of any such action or suit, or to the court in which, or to the terms or conditions on which, any such action or suit shall

Proceedings in actions by and against the commissioners of public works: 1 & 2 W. 4, c. 33.

be brought against the said commissioners, collectively or individually, or their secretary, shall be held to apply to and extend to any action or suit to be commenced against the commissioners of public works in *Ireland*, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of this act, or to any proceedings in any such action or suit, or to the limitation of time for the commencing thereof, or to any costs thereof, or to any notice of any such action or suit, or to any evidence to be given therein, or to any action or suit to be commenced by the said commissioners of public works in the execution of this act, or on account of or in pursuance of this act, or to any proceedings in any such action or suit, or to the said commissioners suing or being sued in the name of their secretary for the time being, or to any abatement or discontinuance of any such action or suit, or to the court in which or to the terms or conditions on which any such action or suit shall be brought against the said commissioners of public works, collectively or individually, or against their secretary.

Restraint on
alienation of
property.

IX. And be it enacted, that it shall not be lawful for any college within the provisions of this act to alien, mortgage, charge, or demise any lands, tenements, or hereditaments to which it may become entitled, unless with the approval of the commissioners of her majesty's treasury, except by way of lease for any term not exceeding thirty-one years from the time when such lease shall be made, in and by which there shall be received and made payable, during the whole of the term thereby granted, the best yearly rent that can reasonably be gotten for the same, without any fine or foregift.

Her majesty
to be visitor
of the new
colleges.

X. Provided always, and be it enacted, that no college shall be entitled to the benefit of this act, or deemed to be within the provisions thereof, unless it be declared and provided, in and by the letters patent constituting such college, that the visitor or visitors of the said college shall be such person or persons as it shall please her majesty, her heirs and successors, from time to time to appoint, by any warrant or warrants under the sign manual, to execute the office of visitor; and that all the statutes, rules, and ordinances concerning the government and discipline of such colleges shall be made or approved by her majesty, her heirs and successors; and that the president, vice-president, and professors shall hold their several offices during the pleasure of her majesty, her heirs and successors; and that the sole power of appointing the president and vice-president shall be vested in her majesty, her heirs and successors, and that the power of appointing the professors shall be vested in her majesty, her heirs and successors, until the end of the year one thousand eight hundred and forty-eight, and afterwards as shall be otherwise provided by parliament, or in default of any provision to the contrary, in her majesty, her heirs and successors.

Statutes
made for the
discipline of
the colleges
to be laid be-
fore parlia-
ment,

XI. And be it enacted, that all the statutes, rules, and ordinances which shall be made or approved from time to time by her majesty, her heirs and successors, concerning the government and discipline of the said colleges respectively, which shall be in force at the beginning of every session of parliament, and which shall not have been before that time laid before parliament, shall from time to time,

within six weeks after the beginning of every such session, be laid before both houses of parliament by one of her majesty's principal secretaries of state.

XII. And be it enacted, that the said commissioners of her majesty's treasury shall be empowered, by warrant under the hands of any three or more of them, to charge the said consolidated fund of the said united kingdom (after providing for all preceding charges, but having preference for all future changes), and to direct to be issued or paid thereout by four equal quarterly payments, on the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October* in every year, such sums of money as shall be needed for defraying the several stipends which shall be by her majesty appointed to be paid to the president and vice-president and to such professors in the several faculties of arts, law, and physic as shall be from time to time established by her majesty, her heirs and successors, and to the bursar, registrar, librarian, and other office bearers and servants in each of the said colleges, and for defraying the expense of such prizes and exhibitions as shall be by her majesty, her heirs and successors, awarded for the encouragement and reward of students in each of the said colleges, not exceeding in any one year the sum of seven thousand pounds for every such college, or the sum of twenty-one thousand pounds in the whole, the first instalment for each college to become due and payable on such of the said quarterly days of payment as shall first happen next after the grant of the letters patent for the establishment of such college.

Grant of £21,000 annually out of consolidated fund for endowing new colleges.

XIII. And be it declared and enacted, that it shall be lawful for the professors in each of the said colleges, in addition to the stipends with which they shall be so respectively endowed, to demand and receive from the students in the said colleges such reasonable fees for attendance on their lectures, and for the bursar of the college to collect from the said students, on behalf of the said college, such reasonable fees for matriculation and other collegiate proceedings, as shall be from time to time provided by the statutes, rules, and ordinances so to be made or approved by her majesty, her heirs and successors, as aforesaid.

Fees may be taken in addition to stipends, and for the benefit of the college.

XIV. And for the better enabling every student in the said colleges to receive religious instruction according to the creed which he professes to hold, be it enacted, that it shall be lawful for the president and professors or other governing body of each of the said colleges which shall be constituted in and by the said letters patent to assign lecture rooms within the precincts of such college, wholly or in part, for the use of such religious teachers as shall be recognized by such governing body, subject in each case to the approval of her majesty, her heirs and successors, and also, subject to the like approval, to make rules concerning the days and times when such religious instruction shall be given therein, and for securing that the same shall not interfere with the general discipline of the college; provided always, that no student shall be compelled by any rule of the college to attend any theological lecture or religious instruction other than is approved by his parents or guardians, and that no religious test shall be administered to any person in order to entitle

Lecture rooms to be assigned for religious instruction.

him to be admitted a student of any such college, or to hold any office therein, or to partake of any advantage or privilege thereof; but this proviso shall not be deemed to prevent the making of regulations for securing the due attendance of the students for divine worship at such church or chapel as shall be approved by their parents or guardians respectively.

Where students shall dwell.

XV. And for the better government of the students in the said colleges, be it enacted, that no student shall be allowed to continue in any of the said colleges unless he shall dwell with his parent or guardian, or with some near relation or friend selected by his parent or guardian and approved by the president of the college, or with a tutor or master of a boarding house licensed by the president of the college as hereinafter provided, or in a hall founded and endowed for the reception of students and recognized by the college as hereinafter provided.

Licence of tutors and masters of boarding houses.

XVI. And be it enacted, that every person who is desirous of being licensed as a tutor or master of a boarding house in any of the said colleges shall apply in writing under his hand to the president of the college for his licence; and it shall be lawful for the president, if he shall think fit, to require of any such applicant such testimonials of character and fitness for the office as shall be satisfactory to him; and the application shall specify the house or houses belonging to or occupied by the applicant, and intended by him for the reception of students, and the number of students who may be conveniently lodged and boarded therein, and also the provision or regulation proposed to be made for securing to the said students the means of due attendance upon such religious instruction and divine worship as may be approved by his parents and guardians and recognized by the governing body of the college, and thereupon it shall be lawful for the president, in his discretion, to grant or withhold the licence for the academical year then current or then next ensuing; and every such licence shall be registered in the archives of the college, and shall enure until the end of the academical year in which it shall be registered, and shall then be of no force unless renewed in like manner, but shall be revocable at any time, and may be forthwith revoked by the president of the college in case of any misbehaviour of such tutor or master of a boarding house, or of the students under his care, which in the opinion of the president and a majority of the professors of the college ought to be punished by immediate revocation of such licence.

Endowment of hall for students.

XVII. And be it enacted, that it shall be lawful for any person whomsoever having power to make an absolute disposition thereof to give, grant, devise, bequeath, or assure, by any deed, will, or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, tenements, and hereditaments, or any estate therein, or any interest arising thereout, or any money, chattels, and effects, to any trustee or trustees willing to accept the trust, or to the commissioners of charitable donations and bequests in *Ireland* and their successors, in trust for founding and endowing halls for the reception of students in any of the said colleges, and by such deed, will, or instrument to establish rules or

to specify the authority for establishing rules to be observed by the students admitted to the benefits of such foundation, and to specify the authority by which the observance of such rules is to be enforced: provided always, that no such hall shall be recognised by any of the said colleges unless the instrument of foundation shall provide that such rules, and also the appointment from time to time of the principal or other person holding chief authority in such hall, shall be of no force until allowed by the person or persons appointed or to be appointed as aforesaid by her majesty, her heirs and successors, to execute the office of visitor of the said college.

XVIII. And for the encouragement of persons willing to found and endow halls for the reception of students in the said colleges as aforesaid, be it declared and enacted, that if her majesty, her heirs and successors, shall be pleased, by letters patent under the great seal of *Ireland*, to incorporate any number of persons willing to found and endow any such hall or halls as aforesaid, such incorporated hall shall be deemed a public work for the promotion of which the commissioners of public works in *Ireland* may make loans within the meaning of an act passed in the second year of the reign of his late majesty, intituled *an act for the extension and promotion of public works in Ireland*, and of all acts passed or to be passed for the amendment thereof; and that it shall be lawful for the commissioners of public works in *Ireland* to make loans to such incorporated bodies respectively for the extension and promotion of such foundations according to the provisions of the last recited acts.

Commissioners of public works may make loans to companies incorporated for founding halls.

1 & 2 W. 4, c. 33.
6 & 7 W. 4, c. 108.
7 W. 4, & 1 Vict. c. 21.
6 & 7 Vict. c. 44.

XIX. And be it enacted, that it shall be lawful for any person whomsoever having power to make an absolute disposition thereof to give, grant, devise, bequeath, or assure, by any deed, will, or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, tenements, and hereditaments, or any estate therein, or interest arising thereout, or any money, chattels, and effects, to any trustee or trustees willing to accept the trust, or to the commissioners of charitable donations and bequests in *Ireland*, and their successors, in trust for establishing and maintaining lectures or other forms of religious instruction for the use of such students of the said colleges respectively as shall be desirous of receiving the same, subject to such regulations consistent with the intentions of the donor thereof, as shall be made by the governing body of the college, and approved by her majesty, her heirs and successors: provided always, that no such gift shall take effect until it shall have been accepted by the governing body of the college, and until her majesty, her heirs and successors, shall have signified her or their approval of the regulations according to which such gift is to be applied.

Religious teachers to be endowed by private benefactions.

XX. And be it enacted, that every such college which shall be established and endowed under this act shall once at least in every year, and also whenever her majesty's pleasure shall be signified in that behalf, report to her majesty their proceedings; and a copy of every such report shall be laid before both houses of parliament within six weeks after the same shall have been made, if parliament be then sitting, or if not, then within six weeks next after the next meeting of parliament.

Colleges to make reports to her majesty, to be laid before parliament.

Alteration of
act.

XXI. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament.

SPACE LEFT,

FOR REFERENCE, IF NECESSARY.

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

UNIVERSITIES, SCOTLAND.

5 ANNE, CAP. 8, SEC. 2.—*An act for an union of the two kingdoms of England and Scotland.*—See Title—“UNION OF ENGLAND AND SCOTLAND,” vol. v. p. 347.

8 ANNE, CAP. 19, SECS. 4, 5, & 9.—*An act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned.*—See Title—“UNIVERSITIES OF OXFORD, CAMBRIDGE, ETC.,” vol. v. p. 363.

10 ANNE, CAP. 19, SEC. 64.—*An act for laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stamped vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements;*

LXIV. Provided always, and be it enacted by the authority aforesaid, that for the encouragement of learning, so much as shall, from time to time, be paid for the duties granted by this act, for any quantities of paper, which, during the continuance of the said duties, shall be used in the printing any books in the *Latin, Greek, Oriental, or Northern* languages, which within the universities of *Scotland*, or any of them, by permission of the principal of the same respectively, shall and may be drawn back and repaid in manner following; that is to say, the chief manager of the press in the said universities shall and may, from time to time, make proof by oath in writing before the principal (who is hereby empowered to administer the same) expressing therein the kinds and quantities of the paper so used, and how much the duty thereof payable by this act doth amount to; which oath in writing being certified by the said principal, and produced, the lord treasurer of *Great Britain*, or the lords commissioners of the treasury for the time being, shall forthwith, from time to time, issue his or their orders or warrants to the respective commissioners, who by this act are to manage the duties upon paper, to cause payment to be made of so much monies as the duties so used in the printing of the said books in the said universities of *Scotland* shall amount to; the same payments to be made without any fee or charge whatsoever, and without delay, to such person or persons as the said respective principals shall authorize and appoint to receive the same, out of any of the duties upon paper arising by this act in *Scotland*; any thing in this act contained to the contrary notwithstanding.

Books printed in the universities of Scotland in Latin, Greek, Oriental or Northern languages, to have a drawback of the duty on paper.

12 GEORGE 2, CAP. 36, SEC. 3.—*An act for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; and for repealing so much of an act made in the eighth year of the reign of her late majesty queen Anne, as empowers the limiting the prices of books.*—See Title—“UNIVERSITIES OF OXFORD, CAMBRIDGE, ETC.,” vol. v. p. 371.

15 GEORGE 3, CAP. 53.—*An act for enabling the two universities in England, the four universities in Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copyright in books, given or bequeathed to the said universities and colleges for the advancement of useful learning and other purposes of education; and for amending so much of an act of the eighth year of the reign of queen Anne, as relates to the delivery of books to the warehouse keeper of the stationers' company, for the use of the several libraries therein mentioned.*—See Title—"UNIVERSITIES OF OXFORD, CAMBRIDGE, ETC.," vol. v. p. 374.

21 GEORGE 3, CAP. 24, SEC. 41.—*An act for repealing the present duties upon paper, pasteboards, millboards, and scaleboards, made in Great Britain, and for granting other duties in lieu thereof.*

Drawback to be allowed the universities of Scotland for all books they shall print in Latin, Greek, &c.

XLI. Provided always, and be it enacted by the authority aforesaid, that, for the encouragement of learning, so much as shall from time to time be paid for the duties granted by this act for any quantities of paper which shall be used in the printing any books in the *Latin, Greek, Oriental, or Northern* languages, within the universities of *Scotland*, or any of them, by permission of the principal of the same respectively, shall and may be drawn back and repaid in manner following; (that is to say), the chief manager of the press in the said universities shall and may from time to time make proof by oath, in writing, before the principal, who is hereby empowered to administer the same, expressing therein the kinds and quantities of the paper so used, and how much the duty thereof payable by this act doth amount to; which oath in writing being certified by the said principal and produced, the lord treasurer of *Great Britain*, or the lords commissioners of the treasury for the time being, shall forthwith, from time to time, issue his or their orders or warrants, to the respective commissioners who by this act are to manage the duties upon paper, to cause payment to be made of so much monies as the duties upon the paper so used in the printing of the said books in the said universities of *Scotland* shall amount to; the same payments to be made, without any fee or charge whatsoever, and without delay, to such person or persons as the said respective principals shall authorize and appoint to receive the same, out of any of the duties upon paper arising by this act in *Scotland*; any thing in this act contained to the contrary notwithstanding,

34 GEORGE 3, CAP. 20, SEC. 38.—*An act for repealing the duties on paper, and for granting other duties in lieu thereof.*

Duties on paper used in printing Latin books, &c. in the universities of Scotland, may be drawn back in the manner herein specified.

XXXVIII. Provided always, and be it enacted by the authority aforesaid, that for the encouragement of learning, so much as shall from time to time be paid for the duties of excise granted by this act for any quantities of paper which shall be used in the printing any books in the *Latin, Greek, Oriental, or Northern* languages, within the universities of *Scotland*, or any of them, by permission of the principals of the same respectively, shall and may be drawn back and repaid in manner following; (that is to say), the chief manager of the press in each of the said universities, shall and may from time to time make proof, by oath in writing before the principal, (who is hereby empowered to administer the same), expressing therein the kinds and quantities of the paper so used, and how much the ex-

cise duty thereof payable by this act doth amount to; which oath, in writing, being certified by the said principal, and produced to the lord treasurer, or the lords commissioners of the treasury for the time being, shall forthwith from time to time issue his or their orders or warrants to the respective commissioners of excise, to cause payment to be made of so much monies as the excise duties upon the paper so used in the printing of the said books in the said universities of *Scotland* shall amount to; the same payments to be made without any fee or charge whatsoever, and without delay, to such person or persons as the said respective principals shall authorize and appoint to receive the same, out of any of the excise duties upon paper arising by this act in *Scotland*; any thing in this act contained to the contrary notwithstanding.

54 GEORGE 3, CAP. 153.—*An act to regulate the payment of drawback on paper allowed to the universities in Scotland.*—Whereas by an act made in the tenth year of the reign of her majesty queen *Anne*, and by an act made in the thirty-fourth year of the reign of his present majesty, intituled *an act for repealing the duties on paper, pasteboard, millboard, scaleboard and glazed paper, and for granting other duties in lieu thereof*; it is enacted, that, for the encouragement of learning, so much money as shall from time to time be paid for the duties of excise by the said act granted for any quantities of paper which shall be used in the printing any books in the *Latin, Greek, Oriental* or *Northern* languages, within the universities of *Scotland*, or any of them, by permission of the principals of the same respectively, shall and may be drawn back in manner therein mentioned: and whereas the allowance of duty so made has been by the chief managers of the press in certain of the said universities in *Scotland* allowed to various booksellers in *London*, and elsewhere, whose publications were printed at the press of such chief managers of the press of the said universities, and who were not by law authorized in any manner to receive the same, by means whereof the printers of *London* and elsewhere have been greatly injured, and the revenue diminished, contrary to the spirit and intention of the said acts made for the encouragement of learning as aforesaid: for remedy whereof, be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, nothing in this or in any former act or acts of parliament contained shall entitle any manager of the press in either of the said universities to any drawback or allowance of duty payable upon the paper in the printing any books in the *Latin, Greek, Oriental* or *Northern* languages, unless the chief manager of the press in such universities shall, forty-eight hours before any such paper is begun to be printed, give to the proper officer of excise a notice in writing of the intention to print such paper, specifying the number of reams of such paper, the title of the book intended to be printed, and of how many copies such edition is to consist; nor unless all such paper shall on such officer's attendance be produced to him enclosed in the original wrappers in which the same was charged with duty, with the impression of the officer's stamp and his name, with the

10 Anne, c. 19,
s. 64.
34 G. 3, c. 20,
s. 38.

Manager of
press in uni-
versities not
entitled to
drawback on
paper used
in printing
of books in
Latin, &c.
unless forty-
eight hours'
notice given
before print-
ing to officer,
and unless
he complies
with other
particulars.

date of the charge of the duty and the class of such paper remaining on such wrappers; nor unless such chief managers shall provide sufficient scales and weights, and permit and assist such officer to use the same, for ascertaining the weight of such paper; nor unless they shall within one month after the whole of such edition shall have been printed off give to the proper officer of excise forty-eight hours' notice in writing thereof, and thereupon such officer shall attend and examine and weigh the whole of such edition unbound and in sheets, and thereupon give to such chief manager a certificate of his having so done, specifying the name of the book, the size thereof, the number of copies of which the edition consists, and the weight of the paper on which it is printed, but if such weight shall exceed the weight of the paper taken account of by the officer previous to the printing, such last mentioned weight shall be inserted in the certificate, and the allowance shall be made for no more.

Manager to
subscribe an
oath that
edition is for
use of uni-
versity,

II. And be it further enacted, that no such allowance shall be made for paper used in the printing such books in the *Latin, Greek, Oriental* or *Northern* languages within the said universities, unless the chief managers of the press in such universities shall subscribe at the foot of such certificate an oath in writing made before the vice-chancellors of the same, that the whole of the said edition of the book so printed is printed for the use and behoof of the universities respectively, for which the same express to be printed, and that no bookseller or other person hath any share or interest therein, or in the drawback payable thereon; which certificate and oath shall be produced to the commissioners of excise, or any two of them, without which the said commissioners shall not be and are not authorized to cause payment to be made of such monies as the duties for the paper so used shall amount to.

Drawback
subject to
former pro-
visions.

III. And be it further enacted, that the allowance of the said drawback shall be and the same hereby is made subject and liable (except where any alteration is expressly made by this act) to all and every the conditions, rules, regulations, restrictions and provisions to which the same was subject and liable by any act or acts of parliament in force before the making of this act.

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FOR REFERENCE, IF NECESSARY,
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A.D. 1846.

UNIVERSITIES AND COLLEGES, WALES.

5 GEORGE 4, CAP. 101.—*An act to enable his majesty to grant certain advowsons, rectories and vicarages in the several counties of Carmarthen, Cardigan and Pembroke, in the principality of Wales, to a college to be incorporated by charter, to be called Saint David's college.*—Whereas certain edifices and premises, situate in the county of *Cardigan* and diocese of *Saint David's*, intended for a college, to be incorporated by royal charter, for the education of persons destined for holy orders, and to be called *Saint David's college*, are now in progress, and will shortly be completed: and whereas his majesty hath been graciously pleased to consent to the annexation in perpetuity to the said college, as an endowment thereof, of the advowson, right of nomination, presentation, collation, donation, patronage and free disposition of, in and to the rectory, parsonage or parish church of *Llangoedmawr* alias *Llandgoedmore* in the county of *Cardigan*, and of, in and to the rectory, parsonage or parish church of *Llanedi* in the county of *Carmarthen*, and of, in and to the vicarage of *Saint Peter's* in the town of *Carmarthen* in the said county of *Carmarthen*; and of, in and to the sinecure rectory or parsonage of *Llangeler* in the county of *Carmarthen*; and also the sinecure rectory or parsonage of *Llanddewiwlfrai* alias *Llandde wi Wilfrai* in the county of *Pembroke*; and of, in and to the sinecure rectory or parsonage of *Angulo* alias *Angle* alias *Nangle* in the said county of *Pembroke*; and all manner of rectorial tithes, dues, profits and emoluments to the said several sinecure rectories appertaining, all of or belonging to his majesty, his heirs and successors; and that the same should be vested in the said college so to be incorporated, upon such trusts, for the benefit of the said college, as shall be declared thereof in and by his majesty's charter, under the great seal of the united kingdom of *Great Britain* and *Ireland*, for the erection and incorporation of the said college: therefore, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in case his majesty shall be pleased to grant his charter under the great seal of the united kingdom of *Great Britain* and *Ireland*, for the erection and incorporation of the said college, to be called *Saint David's college*, it shall be lawful for his majesty, his heirs and successors, in and by the said charter, to grant the advowson, right of nomination, presentation, collation, donation, patronage and free disposition of, and in and to the several rectories, parsonages and parish churches of *Llangoedmawr* alias *Llangoedmore* in the said county of *Cardigan*, and of *Llanedi* in the said county of *Carmarthen*, and of, in and to the vicarage of *Saint Peter's* in the town of *Carmarthen* in the said county of *Carmarthen*, and together with all houses, glebe lands, tithes, portions of tithes, tenths, oblations, fruits, dues, perquisites and emoluments, rights, members and appurtenances to such

Power for his majesty to grant certain advowsons to St. David's college, and for vesting the same.

advowsons, rectories and vicarage in anywise belonging, to the said college so to be incorporated as aforesaid, and the same shall by such grant become and be absolutely vested in the said college, upon such trusts, for the benefit of the said college, as shall be declared thereof in and by the said charter.

Power for his
majesty to
grant the
sinecure rec-
tories to the
said college,
and for vest-
ing the same

II. And be it further enacted, that it shall be lawful for his majesty, his heirs and successors, in and by his said charter, to grant the sinecure rectory or parsonage of *Llangeler* in the county of *Carmarthen*, the sinecure rectory or parsonage of *Llanddewiwlfrei* alias *Llandde wi Wilfrai* in the said county of *Pembroke*, and the sinecure rectory or parsonage of *Angulo* alias *Angle* alias *Nangle* in the same county of *Pembroke*, and all and all manner of rectorial lands, tithes, hereditaments, dues, profits, emoluments, rights, members and appurtenances to the said sinecure rectories in anywise belonging to the said college; and the same respectively shall, by such grant, become and be absolutely vested in the said college, upon such trusts, for the benefit of the said college, as shall be declared thereof by the said charter.

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USURY.

13 ELIZABETH, CAP. 8, SECS. 9 & 10.—*An act against usury.*

IX. Provided always, and be it further enacted by the authority aforesaid, that if any person or persons shall, from and after the said five and twentieth day of *June*, offend contrary to the said statute revived by this present act, made in the seven and thirtieth year of the reign of the said late king *Henry* the eighth; that then all and every such offender and offenders shall and may also be punished and corrected, according to the ecclesiastical laws heretofore made against usury: and that all and every person and persons offending in usury, shifts or chevisance, against this present act, and not taking or receiving, but only after the rate of ten pounds in the hundred or under for a year, shall be only punished by the pains and forfeitures provided and appointed by this act, against such as shall not take or receive over and above the rate of ten pounds in the hundred for a year, and not otherwise. This act to continue and endure for and during the space of five years next after the end of this present parliament, and from thence unto the end of the first session of the parliament then next ensuing.

In what case
an offender
shall be also
punished by
the ecclesi-
astical law.

X. And be it further enacted by the authority aforesaid, that if this present act shall not be continued in the first session of the parliament next ensuing the said term of five years, and then in the same session no other statute or provision made against usury or corrupt chevisance; that then all and every the laws and statutes repealed by this act shall remain and be of such like force and effect as if this present act had never been had nor made. [21 James 1, cap. 17, made perpetual by 39 Elizabeth, cap. 18.]

39 ELIZABETH, CAP. 18, SECS. 30 & 32.—*An act for the reviving, continuance, explanation, perfecting and repealing of divers statutes.*

XXX. That forasmuch as the said act made in the said thirteenth year of the queen's majesty's reign that now is, intituled *an act against usury*:

Usury,
13 Eliz. c. 8.

XXXII. is by proof and experience found to be very necessary and profitable for the commonwealth of this realm: for which cause, be it enacted by the queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that the said three last recited several acts, made in the said thirteenth and in the seven and twentieth years of the queen's majesty's reign, and every of them, and all and every the branches, clauses and provisions in them and every of them contained, shall from henceforth be, remain and continue in force and effect for ever.

The statute
made 13 Eliz.
c. 8, made
perpetual.

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WITCHCRAFT.

REP. 1 Ed. 6,
c. 12, and 1
M. st. 1, c. 1.
5 Eliz. c. 16.
1 Jac. 1, c. 12.
9 G. 2, c. 5.

33 HENRY 8, CAP. 8.—It shall be felony to practise, or cause to be practised conjuration, witchcraft, enchantment or sorcery, to get money; or to consume any person in his body, members or goods; or to provoke any person to unlawful love; or for the despite of Christ, or lucre of money, to pull down any cross; or to declare where goods stolen be.

1 EDWARD 6, CAP. 12, SEC. 4.—*An act for the repeal of certain statutes concerning treasons and felonies.*

All statutes
made sith-
ence the first
year of H. 8,
to make any
thing felony,
repealed.

IV. Be it further ordained and enacted by the authority aforesaid, that all offences made felony by any act or acts of parliament, statute or statutes, made sithence the twenty-third day of *April* in the first year of the reign of the said late king *Henry* the eighth, not being felony before, and also all and ever the branches and articles mentioned or in anywise declared in any of the same statutes concerning the making of any offence or offences to be felony, not being felony before, and all pains and forfeitures concerning the same or any of them, shall from henceforth be repealed and utterly void, and of none effect.

1 MARY, SESS. 1, CAP. 1, SEC. 5.—*An act repealing and taking away certain treasons, felonies and cases of Premunire.*

All offences,
made felony
or in the
case of pre-
munire,
since anno
1 H. 8, re-
pealed.

V. Be it further ordained and enacted by the authority aforesaid, that all offences made felony, or limited or appointed to be within the case of *Premunire*, by any act or acts of parliament, statute or statutes, made sithence the first day of the first year of the reign of the late king of famous memory, king *Henry* the eighth, not being felony before, nor within the case of *Premunire*, and also all and every branch, article and clause mentioned or in anywise declared in any of the same estatutes, concerning the making of any offence or offences to be felony, or within the case of *Premunire*, not being felony nor within the case of *Premunire* before, and all pains and forfeitures concerning the same, or any of them, shall from henceforth be repealed, and utterly void and of none effect.

Conjuration.

5 ELIZABETH, CAP. 16.—The several penalties of conjuration, or invocation of wicked spirits, and witchcraft, enchantment, charm or sorcery.

REP. 9 Geo.
2, c. 5.
5 Eliz. c. 16.
Corpus juris
civilis, vol. 2.
Cod. 9, Tit. 18.
3 Inst. 45, 128.
Cro. Car. 141,
282.
2 Roll 343.

1 JAMES 1, CAP. 12.—An act against conjuration, witchcraft, and dealing with evil and wicked spirits. The penalty for practising of invocation or conjuration, &c. conjuration or invocation, whereby any person is killed or lamed. Declaring by witchcraft, where any thing is hidden, procuring unlawful love, &c. The second offence felony. No forfeiture of dower or inheritance. Trial of a peer of the realm.

9 GEORGE 2, CAP. 5.—*An act to repeal the statute made in the first year of the reign of king James the first, intituled an act against conjuration, witchcraft, and dealing with evil and wicked spirits except so much thereof as repeals an act of the fifth year of the reign of*

queen Elizabeth, against conjurations, enchantments and witchcrafts, and to repeal an act passed in the parliament of Scotland in the ninth parliament of queen Mary, intituled *anentis witchcrafts, and for punishing such persons as pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration*.—Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the statute made in the first year of the reign of king *James the first*, intituled *an act against conjuration, witchcraft, and dealing with evil and wicked spirits*, shall, from the twenty-fourth day of *June* next, be repealed and utterly void and of none effect except so much thereof as repeals the statute made in the fifth year of the reign of queen *Elizabeth*, intituled *an act against conjurations, enchantments and witchcrafts*.)

1 Jac. 1. c. 12,
repealed, ex-
cept a clause
repealing
5 Eliz. c. 16.

II. And be it further enacted by the authority aforesaid, that from and after the said twenty-fourth day of *June*, the act passed in the parliament of *Scotland* in the ninth parliament of queen *Mary*, intituled *anentis witchcrafts*, shall be and is hereby repealed.

The act in
Scotland
9 Mariae also
repealed.

III. And be it further enacted, that from and after the said twenty-fourth day of *June*, no prosecution, suit or proceeding, shall be commenced or carried on against any person or persons for witchcraft, sorcery, enchantment or conjuration, or for charging another with any such offence, in any court whatsoever in *Great Britain*.

After 24 June
1736, no per-
son to be
prosecuted
for witch-
craft, &c.

IV. And for the more effectual preventing and punishing any pretences to such acts or powers as are before mentioned, whereby ignorant persons are frequently deluded and defrauded; be it further enacted by the authority aforesaid, that if any person shall, from and after the said twenty-fourth day of *June*, pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration, or undertake to tell fortunes, or pretend from his or her skill or knowledge in any occult or crafty science to discover where or in what manner any goods or chattels, supposed to have been stolen or lost, may be found; every person so offending, being thereof lawfully convicted on indictment or information in that part of *Great Britain* called *England*, or on indictment or libel in that part of *Great Britain* called *Scotland*, shall for every such offence suffer imprisonment by the space of one whole year without bail or mainprize, and once in every quarter of the said year in some market town of the proper county upon the market day, there stand openly on the pillory by the space of one hour, and also shall (if the court by which such judgment shall be given shall think fit) be obliged to give sureties for his or her good behaviour, in such sum, and for such time, as the said court shall judge proper according to the circumstances of the offence, and in such case shall be further imprisoned until such sureties be given.

Persons pre-
tending to
exercise
witchcraft,
tell fortunes,
or by crafty
science to
discover
stolen goods,

to be impri-
soned for a
year, be pil-
loryed, and
bound for
good beha-
viour.

1 & 2 GEORGE 4, CAP. 18.—*An act to repeal an act, made in the parliament of Ireland in the twenty-eighth year of the reign of queen Elizabeth, against witchcraft and sorcery*.—Whereas an act was made in the parliament of *Ireland*, in the twenty-eighth year of the reign of her late majesty queen *Elizabeth*, intituled *an act against witchcraft and sorcery*: and whereas it is expedient that the said act

28 Eliz. c. 2.
(1.) repealed.

should be repealed; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, the said recited act against witchcraft and sorcery shall be and the same is hereby repealed.

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WRITS.

3 EDWARD 1, CAP. 47.—*In what case the nonage of the heir of the disseisor or disseisee shall not prejudice.*—Writ of novel disseisin, and writ of entry.—See Title—"ABBOTS," vol. i. p. 53.

6 EDWARD 1. QUO WARRANTO.—*Claiming and using of liberties and causes to seize them into the king's hands. Complaint of officers.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 b.

13 EDWARD 1, STAT. 1, CAP. 5.—*Remedies to redress usurpations of advowsons of churches, &c.*—Writs of right—possession—darrain presentment—indicavit, and quare impedit.—See Title—"ADVOWSONS," vol. i. p. 97.

13 EDWARD 1, STAT. 1, CAP. 24.—*A writ of nuisance of a house &c. levied and aliened to another. A Quod permittat and Juris utrum for a parson of a church. In like cases like writs be grantable.*—In cases whereas a writ is granted out of the chancery for the fact of another, the plaintiffs from henceforth shall not depart from the king's court without remedy, because the land is transferred from one to another. And in the register of the chancery there is no special writ found in this case, as of a house, a wall, a market, but the writ is granted against him that levied the nuisance. And if the house, wall, or such like be aliened to another, the writ shall not be denied; but from henceforth, where in one case a writ is granted, in like case, requiring like remedy, the writ shall be made as hath been used before:

A writ of nuisance.
Rast. 405.
2 Inst. 404.
Rast. 441.

6 R. 2, stat. 1, c. 3, in which courts writs of nuisance called vicontiels shall be pursued.
9 Co. 55.

Questus est nobis A. quod D. injuste, &c. levavit domum murum mercatum, et alia quæ sunt ad nocumentum, &c.

And if such things levied be aliened from one to another, the writ shall be thus:

Questus est nobis A. quod B. & C levaverunt, &c.

II. In like manner as a parson of a church may recover common of pasture by writ of *novel disseisin*, likewise from henceforth his successors shall have a *quod permittat* against the disseisor or his heir, though a like writ were never granted out the chancery before. And in like manner as a writ is granted to try whether land by the free alms of such a church, or the lay fee of such a man, even so from henceforth a writ shall be made to try whether it be the free alms of this church, or of another church, in case where the free alms of one church is transferred to the possession of another church. And whensoever from henceforth it shall fortune in the chancery, that in one case a writ is found, and in like case falling under like law, and requiring like remedy, is found none, the clerks of the chancery shall agree in making the writ; or adjourn the plaintiffs until the next parliament, and let the cases be written in which they cannot agree, and let them refer themselves until the next parliament, by consent of men learned in the law, a writ shall be made, lest it might happen after that the courts should long time fail to minister justice unto complainants.

Quod permittat.
Rast. 538.
Regist. 32.

Rast. 419.
Coke pla. 399.
14 Ed. 3, c. 17, gives juris utrum to parson or vicar.
Rast. 123.
Fitz. entry, 3, 7, 8, 10, 61, 64, 67, 68, 69, 71.
Co. Lit. 54. b.

13 EDWARD 1, STAT. 1, CAP. 30.—*The authority of justices of nisi prius. Adjournment of suits. Certain writs that be determinable in their proper counties. A jury may give their verdict at large. None but which were summoned shall be put in assizes or juries.*—Writ of nisi prius.—See Title—“ADVOWSONS,” vol. i. p. 99.

18 EDWARD 1, STAT. 2. QUO WARRANTO.—*How they shall hold their liberties which claim them by prescription or grant. A quo warranto shall be pleaded and determined before justices in eyre.*—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 516 d.

18 EDWARD 1, STAT. 3.—*Another new statute of quo warranto.*—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 516 e.

24 EDWARD 1. THE STATUTE OF THE WRIT OF CONSULTATION.—*In what case a consultation is grantable.*—See Title—“PROHIBITION,” vol. iv. p. 25.

27 EDWARD 1, STAT. 2.—*In what cases the writ ad quod damnum is to be sued. A commission may be granted to receive attornies for such as be impleaded.*—See Title—“MORTMAIN,” vol. iii. p. 399.

10 EDWARD 2. STATUTE OF GAVELET.—*The lords of rents in London may recover them by a writ of Gavelet, and in default thereof the lands in demesne.*—Writ of Gavelet.—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 516 q.

14 EDWARD 3, STAT. 1, CAP. 17.—*A juris utrum maintainable for a parson or vicar.*—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 516 r.

18 EDWARD 3, STAT. 3, CAP. 7.—*No scire facias shall be awarded against a clerk for tithes.*—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 517.

25 EDWARD 3, STAT. 3, CAP. 6.—*A bishop's temporalities shall not be seized for a contempt.*—Writ of quare non admisit.—See Title—“CHURCH, HER RIGHTS AND LIBERTIES,” vol. i. p. 518.

1 & 2 PHILIP & MARY, CAP. 8, SEC. 51.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.*—Writ of ad quod damnum.—See Title—“APPEALS TO THE SEE OF ROME,” vol. i. p. 142.

5 ELIZABETH, CAP. 23.—*An act for the due execution of the writ de excommunicato capiendo.*—Forasmuch as divers persons offending in many great crimes and offences appertaining merely to the jurisdiction and determination of the ecclesiastical courts and judges of this realm are many times unpunished for lack and want of the good and due execution of the writ *de excommunicato capiendo*, directed to the sheriff of any county, for the taking and apprehending of such offenders: the great abuse whereof, as it should seem, hath grown for that the said writ is not returnable into any court that might have the judgment of the well executing and serving of the said writ according to the contents thereof; but hitherto have been left only to the discretion of the sheriffs and their deputies, by whose negligences and defaults for the most part the said writ is not executed upon the offenders as it ought to be: by reason whereof such offenders be greatly encouraged to continue their sinful and

The order of awarding and returning the writ of excommunicato capiendo: what is to be done upon the party's appearance, and what if he cannot be found, and the cause of awarding this writ.
4 Inst. 219.
Cro. El. 144.
1 Bulstr. 122.
3 Bulstr. 92.
3 Inst. 39.

criminous life, much to the displeasure of Almighty God, and to the great contempt of the ecclesiastical laws of this realm :

12 Co. 77.
1 Roll. 174.

II. Wherefore for the redress thereof, be it enacted by the queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *May* next coming, every writ of *excommunicato capiendo* that shall be granted and awarded out of the high court of chancery, against any person or persons within the realm of *England*, shall be made in the time of the term, and returnable before the queen's highness, her heirs and successors, in the court commonly called the king's bench, in the term next after the *teste* of the same writ ; and that the said writ shall be made to contain at the least twenty days between the *teste* and the return thereof : and after the same writ shall be so made and sealed, that then the said writ shall be forthwith brought into the said court of king's bench, and there, in the presence of the justices, shall be opened and delivered of record to the sheriff or other officer to whom the serving and execution thereof shall appertain, or to his or their deputy or deputies : and if afterwards it shall or may appear to the justices of the same court for the time being, that the same writ so delivered of record be not duly returned before them at the day of the return thereof, or that any other default or negligence hath been used or had in the not well serving and executing of the said writ ; that then the justices of the said court shall and may, by the authority of this act, assess such amerciamment upon the said sheriff or other officer in whom such default shall appear, as to the discretion of the said justices shall be thought meet and convenient ; which amerciamment so assessed shall be estreated into the court of exchequer, as other amerciamments have been used.

Awarding
and re-
turning of
excommuni-
cato capi-
endo.

1 Salk. 293.

Cro. Jac. 567.
Cro. Car. 583.
1 Sid. 165, 285.

The sheriff
shall be a-
merced for
not return-
ing of the
writ.

III. And be it further enacted by the authority aforesaid, that the sheriff or other officer to whom such writ of *excommunicato capiendo*, or other process by virtue of this act shall be directed, shall not in anywise be compelled to bring the body of such person or persons as shall be named in the said writ or process, into the said court of the king's bench at the day of the return thereof ; but shall only return the same writ and process thither, with declaration briefly how and in what manner he hath served and executed the same, to the intent that thereupon the said justices may then further therein proceed, according to the tenor and effect of this present act.

What shall
be done with
the body of
the excom-
municate.

IV. And if the said sheriff or other officer to whom the execution of the said writ shall so appertain, do or shall return that the party or parties named in the said writ cannot be found within his bailiwick ; that then the said justices of the king's bench for the time being, upon every such return, shall award one writ of *capias* against the said person or persons named in the said writ of *excommunicato capiendo*, returnable in the same court in the term time, two months at least next after the *teste* thereof, with a proclamation to be contained within the said writ of *capias*, that the sheriff or other officer to whom the said writ shall be directed, in the full county court, or else at the general assizes and gaol delivery to be holden within the said county, or at a quarter sessions to be holden before the justices

If the sheriff
return non
est inventus.

First *capias*.
Cro. Jac. 366.
Latch 174.
1 Sid. 181.
1 Roll. 174.

of the peace within the said county, shall make open proclamation ten days at the least before the return, that the party or parties named in the said writ shall within six days next after such proclamation, yield his or their body or bodies to the gaol or prison of the said sheriff or other such officer, there to remain as a prisoner, according to the tenor and effect of the first writ of *excommunicato capiendo*, upon pain of forfeiture of ten pounds: and thereupon after such proclamation had, and the said six days past and expired, then the said sheriff or other officer to whom such writ of *capias* shall be directed, shall make return of the same writ of *capias* into the said court of the king's bench, of all that he hath done in the execution thereof, and whether the party named in the said writ, have yielded his body to prison or not.

Ten pounds
forfeiture for
not appear-
ing upon the
first *capias*.

V. And if upon the return of the said sheriff it shall appear, that the party or parties named in the same writ of *capias*, or any of them, have not yielded their bodies to the gaol and prison of the said sheriff or other officer according to the effect of the same proclamation; that then every such person that so shall make default, shall for every such default forfeit to the queen's highness, her heirs and successors, ten pounds; which shall likewise be estreated by the said justices into the said court of exchequer, in such manner and form as fines and amerciaments there taxed and assessed are used to be.

Second
capias.

VI. And thereupon the said justices of the king's bench shall also award forth one other writ of *capias* against the person or persons that so shall be returned to have made default, with such like proclamation as was contained in the first *capias*, and a pain of twenty pounds, to be mentioned in the said second writ and proclamation: and the sheriff or other officer to whom the said writ of second *capias* shall be so directed, shall serve and execute the said second writ in such like manner and form as before is expressed for the serving and executing of the said first writ of *capias*. And if the sheriff or other officer shall return upon the said second *capias*, that he hath made the proclamation according to the tenor and effect of the same writ, and that the party hath not yielded his body to prison according to the tenor of the said proclamation; that then the said party that so shall make default, shall for such his contempt and default forfeit to the queen's highness, her heirs and successors, the sum of twenty pounds; which said sum of twenty pounds the said justices of the king's bench for the time being shall likewise cause to be estreated into the said court of exchequer, in manner and form aforesaid.

Twenty
pound for-
feiture upon
the second
capias.

Third *capias*.

VII. And then the said justices shall likewise award forth one other writ of *capias* against the said party, with such like proclamation and pain of forfeiture, as was contained in the said second writ of *capias*: and the sheriff or other officer to whom the said third writ of *capias* shall be so directed, shall serve and execute the said third writ of *capias* in such like manner and form as before in this act is expressed and declared for the serving and executing of the said first and second writs of *capias*. And if the sheriff or other officer to whom the execution of the said third writ shall appertain, do make return of the said third writ of *capias*, that the party upon

such proclamation hath not yielded his body to prison according to the tenor thereof; that then every such party for every such contempt and default shall likewise forfeit to the queen's majesty, her heirs and successors, other twenty pounds, which sum of twenty pounds shall likewise be estreated into the said court of the exchequer in manner and form aforesaid: and thereupon the said justices of the king's bench shall likewise award forth one writ of *capias* against the said party, with like proclamation and like pain of forfeiture of twenty pounds. And that also the said justices shall have authority by this act, infinitely to award such process of *capias* with such like proclamation and pain of forfeiture of twenty pounds as is before limited, against the said party that shall so make default in yielding of his body to the prison of the sheriff, until such time as by return of some of the said writs before the said justices, it shall and may appear, that the said party hath yielded himself to the custody of the said sheriff or other officer, according to the tenor of the said proclamation; and that the party upon every default and contempt by him made against the proclamation of any of the said writs so infinitely to be awarded against him, shall incur like pain and forfeiture of twenty pounds which shall likewise be estreated in manner and form aforesaid,

Twenty pounds forfeit upon the third *capias*.

Awarding of *capias* infinitely, and twenty pound forfeit upon every of them.

VIII. And be it further enacted by the authority aforesaid, that when any person or persons shall yield his or their body or bodies to the hands of the sheriff or other officer, upon any of the said writs of *capias*, that then the same party or parties that shall so yield themselves, shall remain in the prison and custody of the said sheriff or other officer, without bail, baston or mainprize, in such like manner and form, to all intents and purposes, as he or they should or ought to have done, if he or they had been apprehended and taken upon the said writ of *excommunicato capiendo*.

The offender yielding his body shall be committed to prison. 1 Bulstr. 122.

IX. And be it further enacted by the authority aforesaid, that if any sheriff or other officer by whom the said writ of *capias* or any of them shall be returned, as is aforesaid, do make an untrue return upon any of the said writs, that the party named in the said writ hath not yielded his body upon the said proclamations, or any of them, where indeed the party did yield himself according to the effect of the same, that then every such sheriff or other officer, for every such false and untrue return, shall forfeit to the party grieved and damnified by the said return, the sum of forty pounds; for the which sum of forty pounds the said party grieved shall have his recovery and due remedy by action of debt, bill, plaint or information, in any of the queen's courts of record; in which action, bill, plaint or information, no essoin, protection or wager of law shall be admitted or allowed for the party defendant:

The forfeiture of a sheriff for a false return.

X. Saving and reserving to all archbishops and bishops, and all others having authority to certify any person excommunicated, like authority to accept and receive the submission and satisfaction of the said person so excommunicated, in manner and form heretofore used, and him to absolve and release, and the same to signify, as heretofore hath been accustomed, to the queen's majesty, her heirs and successors, into the high court of chancery; and thereupon to have such writs for the deliverance of the said person, so absolved

The bishop's authority to receive submission, and deliver the excommunicate. Regist. 66, 67. 2 Lev. 26, 36. Raym. 225.

and released, from the sheriff's custody or prison, as heretofore they or any of them had, or of right ought or might have had; any thing in this present statute specified or contained to the contrary hereof in anywise notwithstanding.

Process out
of liberties
where the
queen's writ
runneth not.

XI. Provided always, that in *Wales*, the counties palatines of *Lancaster*, *Chester*, *Durham* and *Ely*, and in the cinque ports, being jurisdictions and places exempt, where the queen's majesty's writ doth not run, and process of *capias* from thence not returnable into the said court of the king's bench, after any *significavit* being of record in the said court of chancery, the tenor of such *significavit* by *mittimus* shall be sent to such of the head officers of the said county of *Wales*, counties palatines, and places exempt, within whose offices, charge or jurisdiction the offenders shall be resiant; that is to say, to the chancellor or chamberlain for the said county palatine of *Lancaster* and *Chester*, and for the cinque ports to the lord warden of the same, and for *Wales* and *Ely*, and the county palatine of *Durham*, to the chief justice or justices there: and thereupon every of the said justices and officers to whom such tenor of *significavit* with *mittimus* shall be directed and delivered, shall by virtue of this estatute have power and authority to make like process to the inferior officer and officers to whom the execution of process there doth appertain, returnable before the justices there at their next sessions or courts, two months at the least after the *teste* of every such process: so always as in every degree they shall proceed in their sessions and courts against the offenders, as the justices of the said court of king's bench are limited by the tenor of this act in term times to do and execute.

Certain persons dis-
charged of
the penalty
aforesaid.
1 Shower 16.

XII. Provided also, and be it enacted, that any person at the time of any process of *capias* aforementioned awarded, being in prison, or out of this realm in the parts beyond the sea, or within age, or of *non sanæ memoriæ*, or woman covert, shall not incur any of the pains or forfeitures aforementioned, which shall grow by any return or default happening during such time of nonage, imprisonment, being beyond the sea, or *non sanæ memoriæ*: and that by virtue of this estatute, the party grieved may plead every such cause or matter in bar of and upon the distress, or other process that shall be made for levying of any of the said pains or forfeitures.

Addition ac-
cording to
the stat.
1 H. 5, c. 5.
1 Salk. 294.
3 Mod. 42, 89.
Cro. Ca. 197,
199.
Litch 174,
204.
Cro. Ca. 197,
199.
1 Roll 175.
1 Jones 226.
Litch 204.
2 Jones 89.
1 Show. 17.

XIII. And that if the offender against whom any such writ of *excommunicato capiendo* shall be awarded, shall not in the same writ of *excommunicato capiendo* have a sufficient and lawful addition, according to the form of the statute of *primo* of *Henry* the fifth, in cases of certain suits whereupon process of exigent are to be awarded: or if in the *significavit* it be not contained, that the excommunication doth proceed upon some cause or contempt of some original matter of heresy, or refusing to have his or their child baptized, or to receive the holy communion as it is now commonly used to be received in the church of *England*, or to come to divine service now commonly used in the said church of *England*, or error in matters of religion or doctrine now received and allowed in the said church of *England*, incontineny, usury, simony, perjury in the ecclesiastical court, or idolatry; that then all and every pains and forfeitures limited against such persons excommunicate by this estatute, by

Causes of
excommu-
nication.

reason of such writ of *excommunicato capiendo* wanting sufficient addition, or of such *significavit* wanting all the causes aforementioned, shall be utterly void in law; and by way of plea to be allowed to the party grieved.

XIV. And if the addition shall be with a *nuper* of the place, then in every such case, at the awarding of the first *capias* with proclamation according to the form aforementioned, one writ of proclamation (without any pain expressed) shall be awarded into the county where the offender shall be most commonly resiant at the time of the awarding of the said first *capias* with pain in the same writ of proclamation, to be returnable the day of the return of the said first *capias* with pain, and proclamation thereupon at some one such time and court, as is prescribed for the proclamation upon the said first *capias* with pain: and if such proclamation be not made in the county where the offender shall be most commonly resiant in such cases of additions of *nuper*, that then such offender shall sustain no pain or forfeiture by virtue of this estatute, for not yielding his or her body, according to the tenor aforementioned; any thing before specified to the contrary hereof in anywise notwithstanding.

Addition
with a nuper.

29 CHARLES 2, CAP. 9.—*An act for taking away the writ De Hæretico comburendo.*—Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the writ commonly called *Breve de Hæretico comburendo*, with all process and proceedings thereupon, in order to the executing such writ, or following or depending thereupon, and all punishment by death, in pursuance of any ecclesiastical censures, be from henceforth utterly taken away and abolished: any law, statute, canon, constitution, custom or usage, to the contrary heretofore or now in force, in anywise notwithstanding.

II. Provided always, that nothing in this act shall extend or be construed to take away or abridge the jurisdiction of protestant archbishops or bishops, or any other judges of any ecclesiastical courts, in cases of atheism, blasphemy, heresy or schism, and other damnable doctrines and opinions, but that they may proceed to punish the same according to his majesty's ecclesiastical laws, by excommunication, deprivation, degradation and other ecclesiastical censures, not extending to death, in such sort and no other, as they might have done before the making of this act; any thing in this law contained to the contrary in anywise notwithstanding.

A saving of
the ecclesi-
astical juris-
diction.
1 Salk. 135.
136.

8 & 9 WILLIAM 3, CAP. 11, SEC. 3.—*An act for the better preventing frivolous and vexatious suits.*—Writ of scire facias.—See Title—"PROHIBITION," vol. iv. p. 25.

12 ANNE, STAT. 2, CAP. 14, SECS. 5 & 9.—*An act for rendering more effectual an act made in the third year of the reign of king James the first, intituled an act to prevent and avoid dangers which may grow by popish recusants; and also of one other act made in the first year of the reign of their late majesties king William and queen Mary, intituled an act to vest in the two universities the presentations of benefices belonging to papists; and for vesting in the lords of justiciary power to inflict the same punishments against jesuits, priests*

and other trafficking papists, which the privy council of Scotland was empowered to do by an act passed in the parliament of Scotland, intituled an act for preventing the growth of popery.—Writ of quare impedit.—See Title—"PAPISTS," vol. iii. p. 518.

43 GEORGE 3, CAP. 108.—*An act to promote the building, repairing, or otherwise providing of churches and chapels, and of houses for the residence of ministers, and the providing of churchyards and glebes.*—Writ of ad quod damnum.—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 47.

53 GEORGE 3, CAP. 127.—*An act for the better regulation of ecclesiastical courts in England; and for the more easy recovery of church rates and tithes.*—Writ de contumace capiendo, and writ of deliverance.—See Title—"ECCLESIASTICAL COURTS, ENGLAND,"—vol. iii. p. 4.

54 GEORGE 3, CAP. 68.—*An act for the better regulation of ecclesiastical courts in Ireland; and for the more easy recovery of church rates and tithes.*—Writ de contumace capiendo.—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 19.

55 GEORGE 3, CAP. 147.—*An act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices, for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands, so taken in exchange, to such benefices as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases; and for other purposes.*—Writ of ad quod damnum.—See Title—"EXCHANGE OF GLEBE HOUSES AND LANDS," vol. iii. p. 69.

1 WILLIAM 4, CAP. 21.—*An act to improve the proceedings in prohibition and on writs of mandamus.*—Writ of prohibition.—See Title—"PROHIBITION," vol. iv. p. 26.

2 & 3 WILLIAM 4, CAP. 93, SEC. 1.—*An act for enforcing the process upon contempts in the courts ecclesiastical of England and Ireland.*—Writ de excommunicato capiendo.—See Title—"CONTEMPTS IN COURTS ECCLESIASTICAL," vol. ii. p. 381.

3 & 4 VICTORIA, CAP. 93, SEC. 1.—*An act to amend the act for the better regulation of ecclesiastical courts in England.*—Writ de contumace capiendo.—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 14.

9 & 10 VICTORIA, CAP. 113.—*An act to improve the proceedings in prohibition and on writs of mandamus in Ireland.*—Writs of prohibition, and mandamus.—See Title—"PROHIBITION," vol. iv. p. 28.

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DIVISION OF PARISHES, IRELAND.

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- For institutions or licences, and for every significavit, five shillings: for every commission, two shillings and sixpence: for matriculation, one shilling, *ib.*
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